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Acts Relating to Prisons, Hospitals and Charitable Institutions Ontario

PRINTED BY ORDER OF
THE LEGISLATIVE ASSEMBLY OF ONTARIO



TORONTO:

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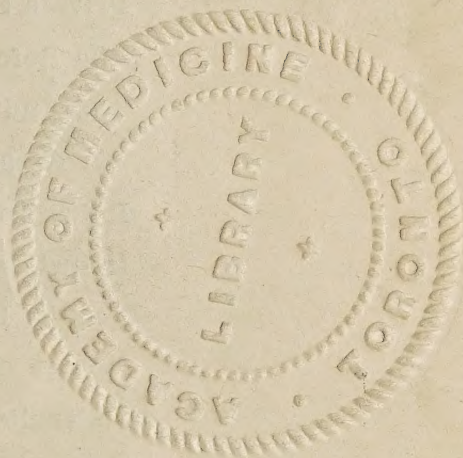
Presented by

Dr. A. J. Mackenzie

1939

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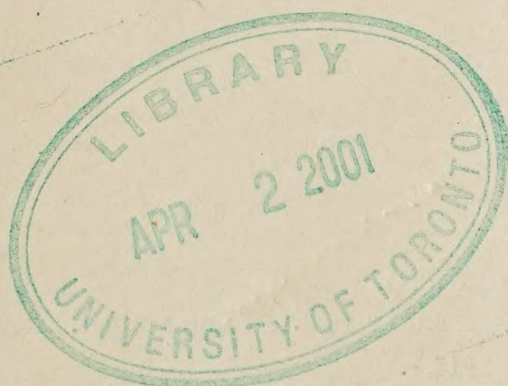
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CHAPTER 295. R.S.O. 1914.

An Act respecting Provincial Hospitals for the Insane and the Custody of Insane Persons.

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HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Hospitals for the Insane* Short title.
Act. New.

2. In this Act,—

Interpreta-
tion—

(a) "Father" shall include stepfather, and "mother" shall include stepmother; "Father."
"Mother."

(b) "Hospital" shall mean a provincial institution for the care and treatment of insane persons; "Hospital."

"Inspector."

3-4 Geo. V.
c. 88.

(c) "Inspector" shall mean the Inspector designated by the Minister to inspect hospitals and public charities, under *The Prisons and Public Charities Inspection Act*, to whom is assigned the duty of inspecting Provincial Hospitals for the Insane;

"Minister."

(d) "Minister" shall mean the member of the Executive Council, charged for the time being with the administration of this Act;

"Patient."

(e) "Patient" shall mean any insane person committed to or detained in a hospital;

"Prescribed form."

(f) "Prescribed form" shall mean the form prescribed by the Regulations;

"Regulations."

3-4 Geo. V.
c. 88.

(g) "Regulations" shall mean regulations made by the Lieutenant-Governor in Council under the authority of *The Prisons and Public Charities Inspection Act*. R.S.O. 1897, c. 317, s. 1. *Amended*.

Certain hospitals vested in the Crown.

3. The Hospitals at Toronto, London, Kingston, Hamilton, Mimico, Brockville, Penetanguishene, Cobourg and Orillia, and any other Hospital hereafter established for the custody and treatment of insane persons, and all the property and effects real and personal belonging thereto, shall be vested in the Crown. R.S.O. 1897, c. 317, s. 2. *Amended*.

Designation of hospitals for insane.

4. Such Hospitals shall be called "The Hospital for the Insane, Toronto," or "The Hospital for the Insane, London," or as the case may be. R.S.O. 1897, c. 317, s. 3. *Amended*.

OFFICERS.

Superintendent and officers, appointment of.

5.—(1) The Lieutenant-Governor in Council may from time to time appoint in each Hospital a superintendent, and such medical and other officers as may be deemed necessary.

Duties of superintendent.

(2) The superintendent shall be the chief executive officer and shall—

(a) direct and control the treatment of the patients;

(b) hire and discharge from time to time the nurses, attendants and employees;

- (c) watch over the internal management, and maintain the discipline and due observance of the regulations prescribed for the government of Hospitals for the Insane;
- (d) direct the training of nurses in accordance with the syllabus approved by the Minister;
- (e) report conditions to the Inspector;
- (f) report annually to the Inspector upon the affairs of the Hospital, with such suggestions as may in his opinion tend to its improvement. R.S.O. 1897, c. 317, s. 4. *Amended.*

6. The financial business and affairs of each Hospital shall be conducted by an officer appointed by the Lieutenant-Governor in Council to be called the Bursar, who shall— The Bursar, appointment and duties of.

- (a) report the state of the income and expenditure of the hospital to the Inspector quarterly, and to the superintendent monthly;
- (b) perform such other duties as may be assigned to him under any regulations in force respecting Hospitals for the Insane, and in accordance with the direction of the Inspector. R.S.O. 1897, c. 317, s. 5.

ADMISSION TO HOSPITALS FOR THE INSANE.

7. No person shall be admitted into any hospital, except as a voluntary patient or upon the warrant of the Lieutenant-Governor, without the certificates (Form 1) of two legally qualified medical practitioners, accompanied by the family history, in the prescribed form, and the financial and estate history in the prescribed form, and upon notice having been received from the Superintendent of the said Hospital that there is a vacancy for the patient. R.S.O. 1897, c. 317, s. 7, *part, amended.* No admission without order of Lieutenant-Governor or certificate of two Doctors.

8.—(1) Every such certificate shall state that the medical practitioner signing it, personally examined the patient, separately from any other medical practitioner, and after due enquiry into all necessary facts relating to the case of the patient found him to be insane. Certificate by whom to be made.

(2) The medical practitioner shall also in the certificate state the facts upon which he has formed his opinion, dis- Contents.

Signature
and attesta-
tion.

Date.

tinguishing the facts observed by him from the facts communicated to him by others; and every such certificate shall be signed in the presence of two subscribing witnesses and shall bear date within three months of the time of the admission of the patient. R.S.O. 1897, c. 317, ss. 7 *part* and 8.

Effect of
certificates
as author-
ity to
detain.

9. The certificates when accompanied by the forms mentioned in section 7, shall be sufficient authority to any person to convey the patient to the hospital and to the authorities thereof to detain him therein, or to the authorities of any other provincial hospital for the insane to which the patient may have been or may be removed by the order of the Inspector to detain him in such hospital as long as he continues to be insane. R.S.O. 1897, c. 317, s. 9, *amended*.

Enquiry as
to means
of patient.

10.—(1) Upon due application for the admission of a patient the superintendent and bursar of the hospital shall make a full and thorough enquiry respecting the estate, either in existence or in prospect, of the patient, and of its sufficiency, free from all other claims by his family, to supply the means necessary for his maintenance and clothing in the hospital as provided by the regulations. *New*.

Bond to
secure pay-
ment.

(2) The superintendent and bursar shall require from the father, mother or friends of the patient an agreement or bond to secure the payment of the patient's maintenance, either in whole or in part, and such agreement or bond shall continue in force so long as the patient is maintained in any provincial hospital for the insane.

Extent of
obligation.

(3) Where the obligation is for a limited period, nothing herein shall extend the liability beyond the period limited. *New*. See R.S.O. 1897, c. 317, s. 10.

Agreement
not to be
a release
of estate
of patient.

(4) The giving of an agreement or bond shall in no way release the estate of the patient from its obligation to maintain and clothe him in the hospital as hereinafter provided. *New*.

Examina-
tion of
destitute
insane
persons.

11.—(1) In any municipality where an insane person is in destitute circumstances, and is a fit subject for hospital treatment, application may be made to the head of the municipality for an examination to be made and certificates given, in accordance with sections 7, 8 and 9, and the head of the municipality, if satisfied that the insane person is in destitute circumstances, shall immediately notify two legally qualified medical practitioners to make the required examination.

Payment
of expen-
ses of ex-
amination,
etc.

(2) The council of the municipality shall pay to each of the medical practitioners for the examination and certificate

a sum not exceeding \$5, and twenty cents for each mile necessarily travelled, and shall also pay the necessary expenses incurred in conveying the patient to a hospital.

(3) Such sum shall be reimbursed to the corporation of the municipality by the corporation of the county, where the municipality is a part of the county for municipal purposes. ^{Reimbursement.}
R.S.O. 1897, c. 317, s. 11.

ADMISSION OF VOLUNTARY PATIENTS.

12.—(1) The Superintendent of the hospital may receive and detain therein as a patient any person suitable for care and treatment, who voluntarily makes written application in Form 8, and whose mental condition is such as to render him competent to make application. ^{Voluntary patients, how admitted.}

(2) A person so received shall not be detained more than five days after having given notice in writing of his desire to leave the hospital. ^{Limit of period of retention.}

(3) The Superintendent shall within three days after the admission of the patient transmit to the Inspector the clinical record of such patient, and shall on the first day of each month transmit to the Inspector the names of all voluntary patients then remaining in the hospital. ^{Clinical record.} *New.*

PROCEEDINGS TO APPREHEND DANGEROUS INSANE PERSONS.

13.—(1) Where an information is laid before any justice of the peace that any person, within the limits of his jurisdiction, is or is suspected or believed by the person laying the information, to be insane and dangerous to be at large, such justice may issue his warrant, Form 2, to apprehend such alleged insane person, and to cause him to be brought before such justice or any other justice having jurisdiction in the locality. 6 Edw. VII. c. 61, s. 1, *part*. ^{Apprehension of person believed to be insane and dangerous to be at large.}

(2) Every such warrant shall be under the hand and seal of the justice, and may be directed to all or any of the constables or other peace officers of the locality within which the justice has jurisdiction, and shall name or otherwise describe the person against whom the information has been laid, and shall state that information has been laid on oath that such person is insane and dangerous to be at large. ^{Warrant to apprehend, form of.}

(3) The warrant shall order the person to whom it is directed to apprehend the person against whom the information is laid. ^{Before whom re-turnable.}

mation has been laid and to bring him before the justice issuing the warrant, or before such other justice, in order that enquiry may be made respecting the sanity of such person, and that he may be further dealt with according to law. 6 Edw. VII. c. 61, s. 1, *part*.

Apprehension without warrant.

14. Any person apparently insane and conducting himself in a manner which in a sane person would be disorderly, may be apprehended without warrant by any constable or peace officer and detained in some safe and comfortable place, not being a gaol, lock-up, prison or reformatory until the question of his sanity is determined as prescribed by section 19. 6 Edw. VII. c. 61, s. 1, *part*. *Amended*.

Proceedings on apprehension.

Order.

15. Where the person alleged to be insane has been apprehended under a warrant or in the manner provided in the next preceding section, he shall be brought before a justice, having jurisdiction in the locality in which such person was apprehended, and the justice may thereupon by his order, Form 3, direct that such alleged insane person be confined in some such safe and comfortable place, or in the custody of the constable or other person who apprehended him, or such other safe custody as the justice deems fit until the question of his sanity is determined, but in no case shall such alleged insane person be committed to any gaol, lock-up, prison or reformatory. 6 Edw. VII. c. 61, s. 1, *part*.

Appointment of medical examiners.

16.—(1) The Minister may appoint one or more legally qualified medical practitioners in any territorial division for the purposes of this section. 6 Edw. VII. c. 61, s. 1, *part*.

Examination made by two medical practitioners.

(2) Immediately upon the apprehension of an alleged insane person the justice before whom he is brought shall notify one of such medical practitioners, if any have been appointed, and one other legally qualified medical practitioner, or if no medical practitioner has been so appointed the justice shall notify two legally qualified medical practitioners, and shall cause an examination to be made in the manner provided in sections 7 and 8. 6 Edw. VII. c. 61, s. 1, *part*.

Hearing of evidence; enquiring among friends, etc.

17.—(1) The justice, in addition to the examination in the next preceding section prescribed, shall hear such evidence upon oath as may be adduced with reference to the insanity of the said alleged insane person and shall direct that enquiry be made as to his friends or relatives in order that the evidence of some person or persons who is or are acquainted with his family and previous habits may be had,

and for the purpose of ascertaining whether the alleged insane person is possessed of any and what property, and where the same is situate, and also as to the number of persons, if any, dependent upon him for support, and to elicit, as far as possible, all information in respect to the matters mentioned in Form 7; but if the justice finds that such enquiries will be expensive, or that sufficient information has been obtained by other means, he shall not be required to make the enquiries by this section directed. 6 Edw. VII. c. 61, s. 1, *part*.

Information
required by.

(2) The justice may from time to time adjourn the enquiry, and again commit to custody, as prescribed by section 15 until proper enquiry is made as directed by this section. 6 Edw. VII. c. 61, s. 1, *part*.

Adjourn-
ment of
enquiry.

18. Where the medical practitioners do not agree in opinion as to whether such person is or is not insane, they or any of them, may again examine him within one week after the first examination, and either of them may give a new certificate if upon such further examination he changes his opinion as to the mental condition of such person. 6 Edw. VII. c. 61, s. 1, *part amended*.

Medical
practition-
ers may re-
examine on
disagree-
ment.

19. If, after reasonable enquiry has been made by the justice as herein directed, he is satisfied that such alleged insane person is not insane and dangerous to be at large, the justice shall forthwith discharge such person, but if after such enquiry he is satisfied that such alleged insane person is insane and dangerous to be at large, he shall certify accordingly, Form 4; but in every case, unless both the medical practitioners making the examination agree that such person is insane the justice shall forthwith discharge him. 6 Edw. VII. c. 61, s. 1, *part*.

Discharge
of persons
when not
found
insane.

Certificate
by justice
when person
insane and
dangerous
to be at
large.

20.—(1) The justice shall immediately transmit to the Inspector his certificate and the certificates of the medical practitioners, and the information, warrant and depositions taken before him, accompanied by a written statement of the result of his enquiries as to the financial condition of such insane person and the person or persons legally liable for his maintenance, and as to the other matters mentioned in Form 7, so far as ascertained, and giving the present address of such insane person, and the name and address of the person in whose custody he is.

Certificates,
etc., to be
sent by
Justice
to the in-
spector.

(2) The Inspector, on receipt of such documents, shall at once arrange for the admission of such insane person to a hospital and shall issue a warrant in the prescribed form for his transfer thereto. 6 Edw. VII. c. 61, s. 1, *part*.

Inspector to
make pro-
vision for
removal to
hospital.

Expenses
determin-
ing insanity
and con-
veying to
hospital.

When pay-
able by
county in
which ap-
prehended.

When pay-
able by
county in
which last
resided,
and recov-
erable
therefrom

County, city
or separated
town may
recover ex-
penses paid
by it from
estate.

Mainten-
ance of
persons ap-
prehended
after being
deported to
Ontario.

21.—(1) The costs properly incurred in determining the question of the sanity of an alleged insane person under the provisions of sections 13 to 25, including the fees, not exceeding \$5 each, and an allowance not exceeding twenty cents per mile for travelling expenses of the medical practitioners, and the necessary expenses of the removal and admission of such person to a hospital, and the expense, if any, of providing proper clothing for him shall be paid by the corporation of the county, city or separated town in which such person has been apprehended.

(2) If such person had not prior to his being apprehended resided in such county, city or separated town for one year, but had resided for that period in some other county, city or separated town, then such expenses may be recovered back by the corporation of the county, city or separated town in which such person was apprehended from the corporation of the county, city or separated town in which such person had last resided for one year; or if such person, although he had resided for one year in the county, city or separated town in which he was apprehended, had since such residence been a resident for one year in some other county, city or separated town, then in like manner such expenses may be recovered back by the corporation of the county, city or separated town in which such person was apprehended, from the corporation of the county, city or separated town in which such person last resided for one year.

(3) Where the person certified by the justice to be insane and dangerous to be at large is not in destitute circumstances, the expenses referred to in subsection 1, paid by the corporation of any county, city or separated town in which such person has been apprehended may be recovered by it from the estate of such person or from the person legally liable for his maintenance, and the same shall be a charge against the estate of such person, or shall be paid by the person legally liable for his maintenance. 6 Edw. VII. c. 61, s. 1, *part.*

(4) If an alleged insane person deported from any country to Ontario, is adjudged insane or dangerous to be at large, and is removed to an hospital for the insane, all the costs properly incurred in his apprehension, examination and detention, pending his removal to such hospital for the insane, shall be paid by the corporation of the county, city or separated town in which such person was last resident in Ontario, prior to his departure to the country from which he was deported.

(5) Where a person is apprehended in accordance with the terms of subsection 4 and is not in destitute circumstances, the expenses referred to in subsection 1, paid under subsection 4 by the corporation of any county, city or separated town in which such person was last resident in Ontario, prior to his departure to the country from which he was deported, may be recovered by it from the estate of such person or from the person liable for his maintenance and the same shall be charged against the estate of such person or shall be paid by the person legally liable for his maintenance.

Right of
corporation
to recover
back main-
tenance
paid.

22. A justice in making an inquiry, shall have the like authority for compelling the attendance of witnesses as he would have if acting under *The Ontario Summary Convictions Act*, and all the provisions of that Act as to procedure shall apply as nearly as may be to proceedings under this Act, and an appeal from his certificate shall lie to the judge of the county or district court. R.S.O. 1897, c. 317, s. 24. *Amended.*

Application
of Summary
Convictions
Act.

10 Edw.
VII. c. 37.

INSANE PRISONERS.

23. The Lieutenant-Governor, upon such evidence of the insanity of any person imprisoned in any prison other than a penitentiary for an offence under the authority of any of the statutes of Ontario, or imprisoned for safe custody charged with an offence, or imprisoned for not finding bail for good behaviour or to keep the peace, as the Lieutenant-Governor considers sufficient, may by warrant order the removal of such insane person to a place of safe keeping; and such person shall remain there, or in such other place of safe keeping as the Lieutenant-Governor from time to time orders, until his complete or partial recovery is certified to the satisfaction of the Lieutenant-Governor, who may then order such insane person back to imprisonment, if then liable thereto, or otherwise to be discharged. R.S.O. 1897, c. 317, s. 26, *amended*, and see R.S.C. c. 146, s. 970.

Removal
of prisoners
from gaols
to hospitals
for insane.

24.—(1) A judge or deputy judge of the county or district court of the county or district in which is situated the prison, not being a penitentiary, in which any person imprisoned for an offence is confined, if such person is in the opinion of the prison surgeon, insane, may, and if required by the regulations, shall, as soon as conveniently may be, cause to be made in respect of such prisoner inquiries similar to those directed to be made by sections 16 to 19. R.S.O. 1897, c. 317, s. 27.

Inquiries
as to prop-
erty, etc., of
a person in
gaol.

(2) The provisions of sections 20, 21 and 22 shall apply *mutatis mutandis* to inquiries made under this section. R.S.O. 1897, c. 317, s. 28.

Application
of sections
20, 21 and
22.

Where exam-
iners do not
agree as to
the mental
state of a
person com-
mitted as in-
sane a sec-
ond examin-
ation may
be made.

25. Where the Judge and the medical practitioners, upon making a personal examination of the prisoner, do not agree in opinion as to whether his is or is not insane, they, or any of them, may again examine him and may give a new certificate, if upon such further examination they change their opinion as to his mental condition. R.S.O. 1897, c. 317, s. 29.

Order for
removal.

26. A warrant for the removal of any insane person to a hospital, may be issued, notwithstanding any irregularity or insufficiency in the warrant or order under which such person is imprisoned or confined or in any of the proceedings before the justice or the judge. R.S.O. 1897, c. 317, s. 34. *Amended.*

DISCHARGE.

Discharge
by Lt.-Gov-
ernor or
superin-
tendent.

27. Persons admitted to a hospital by warrant may be discharged by the Lieutenant-Governor, by the Inspector, or by the superintendent, in accordance with the Regulations. R.S.O. 1897, c. 317, s. 32. *Amended.*

REMOVAL FROM A HOSPITAL FOR THE INSANE TO COUNTRY OF ORIGIN.

When re-
turn may
be ordered.

28. Upon its appearing to the Lieutenant-Governor that any insane person detained in a hospital has come or been brought into Ontario from elsewhere, within thirty days prior to his committal to such hospital, the Lieutenant-Governor, may, by his warrant, authorize the removal of such person to the province or country from which he has so come or been brought. R.S.O. 1897, c. 317, s. 36.

ESCAPE AND RECOMMITTAL.

Apprehen-
sion on es-
cape from
hospital for
the insane.

29. If a patient escapes from a hospital, any officer or servant of the hospital, or any other person, at the request of any such officer or servant, may without warrant, within forty-eight hours after such escape, and within one month after such escape where a warrant, in the prescribed form, has been issued by the superintendent, retake such escaped person, and return him to the hospital, and he shall remain in custody therein under the authority by virtue of which he was detained prior to the escape. R.S.O. 1897, c. 317, s. 38.

DISCHARGE ON PROBATION.

Superinten-
dent of hos-
pital may
give over
patient
to custody
of his
friends.

30.—(1) If the superintendent considers it conducive to the recovery of any person detained in the hospital that he should be committed for a time to the custody of his friends, the superintendent may allow him to return on trial to them

upon receiving a written undertaking, in the prescribed form, by one or more of the friends of such person, that he or they will keep an oversight over him. R.S.O. 1897, c. 317, s. 39.

(2) Nothing in this section shall authorize the temporary discharge of any person imprisoned for an offence, the period of whose sentence has not expired. R.S.O. 1897, c. 317, ^{Cases of imprisonment for offences excepted.} s. 40.

31. If within six months from such temporary discharge, the patient again becomes dangerous to be at large, the superintendent by whom he was discharged, by his warrant in the prescribed form, directed to any constable or peace officer or other person, or to all constables or peace officers, may authorize and direct that such patient be apprehended and brought back to the hospital from which he was temporarily discharged, and such warrant shall be an authority to any one acting under it to apprehend the person named therein and to bring him back to the hospital. R.S.O. 1897, c. 317, s. 41. ^{Recommittal to hospital for the insane from custody of friends.}

MAINTENANCE OF PATIENTS.

32. Where a patient in a hospital is under the age of 21 years and has a father or mother able to pay for his maintenance, or a guardian or committee, it shall be the duty of the bursar of the said hospital to send a written notice to such father, mother, guardian or committee, giving the date of the patient's admission to the hospital and the amount which will become due for his maintenance each quarter as provided by the regulations. R.S.O. 1897, c. 317, s. 42. ^{Copy of certificate of admission, and of amounts required for maintenance to be sent to parents, etc.}
Amended.

33. On the first day of each of the months of February, May, August and November, a demand shall be made by the Inspector from the father or mother, guardian or committee, as the case may be, of the patient of such sum as may be due for the patient to the hospital and such sum shall be forthwith paid on such demand. *New. See R.S.O. 1897, c. 317, ss. 43 and 44.* ^{Liability for maintenance of patient}

34.—(1) In case of refusal or neglect to pay the sum so demanded, the Inspector may apply to a Judge of the county or district court of the county or district in which the person liable to pay resides, for an order for the payment of the amount then due. ^{Order for payment for maintenance.}

(2) Ten days' notice of the application shall be given. ^{Notice.}

Liability of
father or
mother.

(3) If the judge is satisfied that the person against whom the application is made is liable, and in the case of the father or mother is able to pay for such maintenance, or that the guardian or committee is able to pay for the same out of property in his possession belonging to the patient, he may make an order accordingly. R.S.O. 1897, c. 317, s. 45. *Amended.*

Mainten-
ance, lia-
bility for.

For married
woman.

35.—(1) Any person admitted to a hospital, who has at the time of his admission, or subsequently comes into the possession of property, shall be liable for his maintenance while in the hospital; and any person whose wife is detained in a hospital, shall be liable for her maintenance while detained therein.

Recovery
of.

(2) The Inspector may, by his name of office, recover the amounts owing in respect of such maintenance; but it shall not be his duty to enforce payment, unless upon inquiry, regard being had to the claims of persons having a moral or legal right to be maintained by the person liable, the Inspector considers that the claim for maintenance ought to be enforced. R.S.O. 1897, c. 317, s. 47.

When prop-
erty of a
patient may
be taken
possession
of to pay
for main-
tenance.

36.—(1) If a patient, upon or at any time after his admission into a hospital or sanitarium for mental diseases is possessed of or entitled to any property out of which the expenses of his maintenance in the hospital or sanitarium or any part thereof can be paid, and has no guardian or committee lawfully appointed to take the care or management of it, and any sum due for the maintenance of the patient in the hospital is not paid on demand, or there is no one of whom it can be demanded, and such property, in the opinion of the Inspector is more than sufficient or is not required to maintain the family, if any, of the patient, the Inspector may take possession of such property, or of so much of it as he deems necessary to pay or to secure the payment of the sum due or to become due for the maintenance of the patient in the hospital, and he shall have full power over and be competent to manage and appropriate, take or recover possession of, lease, mortgage, sell and convey all or any part of such property in the name of the patient, or as his committee under this Act, as fully and effectually to all intents and purposes as the patient could or might, if of full age and of sound and disposing mind; and notwithstanding the patient may have ceased to be an inmate of the hospital, or may have recovered or died, the Inspector may complete any lease, mortgage, sale or conveyance in respect of which proceedings have been commenced while the patient was confined in the hospital; but no such lease, mortgage, sale or conveyance, shall be made without the written consent of the Attorney-General of Ontario. R.S.O. 1897, c. 317, s. 48.

(2) The Inspector may exercise the powers conferred by this section, notwithstanding that the property of the patient is not more than sufficient to maintain his family, and that by reason thereof it is not intended to require payment for the maintenance of the patient. R.S.O. 1897, c. 317, s. 49.

(3) The Inspector may exercise the powers conferred by this section where the patient is committed to the custody of his friends as provided for in section 30. *New.*

37. Where any money or other property belonging to or to the estate of a patient has been received by the Inspector as his statutory committee, the Lieutenant-Governor in Council may authorize the Inspector to pay over to any member of the family of such patient, or other person dependent upon him, such amount as may be deemed proper, and the Inspector, as such committee, in respect of every amount so paid, shall be as fully discharged as if he had paid the same for the maintenance of the patient in the hospital. R.S.O. 1897, c. 317, s. 50; 6 Edw. VII. c. 61, s. 3.

38. Every gift, grant, alienation, conveyance or transfer of property made by any person, who is or becomes an inmate of a hospital shall be deemed to be fraudulent and void, as against the Inspector, if the same is not made for full and valuable consideration actually paid, or sufficiently secured to such person, or if the purchaser or transferee had notice of the insanity. R.S.O. 1897, c. 317, s. 51.

39. If the Inspector deems it necessary, in order to secure the payment of the maintenance of the patient, or for the interest of his estate so to do, he may exercise any of the powers conferred by section 36, although no sum is overdue for such maintenance. R.S.O. 1897, c. 317, s. 52.

POWERS AND DUTIES OF INSPECTOR.

40.—(1) The Inspector shall be *ex-officio*, and by his name of office, the committee of every insane person, who has no other committee, and who is detained in any hospital, sanitarium for mental diseases or place of safe custody.

(2) The High Court Division may at any time appoint a committee of any such patient, and upon such appointment being made the Inspector, while there is any committee so appointed, shall not be the committee of the patient; but the Inspector upon delivering up the patient's estate shall retain so much thereof as may be required to pay any sum then due for maintenance. R.S.O. 1897, c. 317, s. 53. *Amended.*

Notice of application for appointment of committee to be given to Inspector.

(3) No application for the appointment of a committee shall be made until five clear days' notice thereof has been given to the Inspector, and with such notice shall be served a copy of the petition or notice of motion, and the affidavits to be used in support thereof. 6 Edw. VII. c. 61, s. 4.

When acts of the Inspector valid as against the committee appointed by the Court.

41. Notwithstanding that another committee has been appointed, every act of the Inspector, as the committee of a patient, shall be valid and binding upon the estate of such patient, if done before a copy of the order appointing another committee, with notice of the approval by the Court of his sureties has been served upon the Inspector. R.S.O. 1897, c. 317, s. 54.

Proceedings against persons under detention.

42. If an action or other proceeding is brought against a patient it shall be sufficient in order to bind the estate of such patient, or to make the proceedings otherwise valid, to serve any writ, process, paper or other document upon the Inspector, if the Inspector is named therein as committee. R.S.O. 1897, c. 317, s. 55. *New.*

Proceedings by Inspector.

43. Nothing in this Act shall make it the duty of the Inspector to institute proceedings on behalf of a patient or to intervene in respect of his estate, but the Inspector may institute such proceedings and otherwise intervene in respect of the estate of a patient who has no other committee of his estate, wherever the Inspector deems it expedient in the interest of the estate of the patient, or necessary in order to secure in the manner least burdensome to the estate of the patient, money due or to become due for his maintenance in a hospital. R.S.O. 1897, c. 317, s. 56.

Powers of Inspector as to estate of deceased in case he is the committee at time of death.

44. If at the time of the death of a patient the Inspector is the committee of such patient, the said Inspector shall, until probate of the will or letters of administration of the estate of the patient is granted to some other person or persons, and the grant notified to the Inspector in writing, continue to have, and may, if he considers it requisite so to do, exercise by his name of office the same powers in respect of the estate of the deceased as an executor would have in respect of the estate of his testator, in case the same were bequeathed or devised to him in trust for the payment of debts and the distribution of the residue. R.S.O. 1897, c. 317, s. 57.

Inspector acting as committee to account.

45.—(1) The Inspector shall be liable to render an account as to the manner in which he has managed the property and effects of the patient, in the same way and subject to the same responsibilities as any trustee, guardian or committee duly appointed for a similar purpose may be called upon to

account, and shall be entitled from time to time to bring in and pass his accounts and tax costs in like manner as a trustee, but shall be liable only for wilful misconduct. 1 Edw. VII. s. 12, s. 24.

(2) For the services rendered by the Inspector in the management of the property or estate of a patient, the Minister may direct that a charge be made not exceeding the amount to which a trustee would be entitled for the like services, and not in any case more than 5 per cent. of the total value of such property or estate. *New.* ^{Charges for services.}

(3) When a person discharged from a hospital is not in the opinion of the Inspector competent to manage his affairs, and the Inspector has in his hands property of such person as committee under this Act, he may apply to the High Court Division to be relieved of such property and be discharged of his trust, and the court may give such orders and directions in the premises as it may deem just. 3 Edw. VII. c. 7, s. 49. ^{Application to court to be relieved from trust.}

46. In the cases mentioned in the next preceding ten sections if doubt or opposition arises as to the right of property, the Inspector or the person claiming the property may apply to a Judge of the county or district court of the county or district in which the property, or any part of it, is situate, to try and determine the right of property, which he shall accordingly do. R.S.O. 1897, c. 317, s. 59. ^{Disputes as to property, how settled.}

47. The costs, charges and expenses which the Inspector incurs in respect of the property or estate of a patient shall be the first charge upon any money coming into his hands and belonging to the patient. R.S.O. 1897, c. 317, s. 60. ^{Costs of Inspector a first charge on estate.}

48. The High Court Division shall, upon application by the Inspector, direct to be paid to him out of any fund or money in Court belonging to the patient, the amount payable for maintenance of the patient. R.S.O. 1897, c. 317, s. 61. ^{Moneys in Court may be paid to Inspector for maintenance.}

49. If the insanity of a patient is of such a nature, and he is possessed of such property, as would in the opinion of the superintendent justify the supply to him of greater comfort and attention than are supplied under the regulations, the Inspector may make such order in respect thereto as he may deem proper. R.S.O. 1897, c. 317, s. 62. ^{Inspector may make special order as to comfort of patient.}

REPEAL.

50. Chapter 317 of The Revised Statutes of Ontario, 1897, Chapter 12 of the Acts passed in the 1st year, section 49 of Chapter 7 of the Acts passed in the 3rd year, and Chapter 61 of the Acts passed in the 6th year of the reign of His late Majesty King Edward the Seventh, are repealed. ^{Repeal.}

FORM 1.

Registered No.
Case Book No.

PROVINCE OF ONTARIO.

PHYSICIAN'S CERTIFICATE.

(a) Name in full and set forth Qualification or Degree, (b) Locality (c) Name in full. (d) Residence. (e) Occupation.

I, the undersigned (a) a legally qualified medical practitioner, residing and practising at (b) in the County of hereby certify that I, on the day of A.D. 191 , at in the County of separately from any other medical practitioner, personally examined (c) of (d) (e) and after making due enquiry into all facts in connection with the case of the said necessary to be enquired into in order to enable me to form a satisfactory opinion, I certify that the said is insane, and is a proper person to be confined in a hospital for the insane (*if the insane person is an idiot, add* and that the said is an idiot), and that I have formed this opinion upon the following grounds, namely:

1. Appearance.
2. Conduct.
3. Conversation.

1. Facts indicating insanity observed by myself:*

*The facts upon which (from personal observation) the opinion of insanity has been formed should always be specified.

- (f) State the information and from whom received.

2. Other facts (if any) indicating insanity, communicated to me by others: (f)

Signed this day of A.D. 191 , at
in the County of

Signed in the presence of

1.
2.

Witnesses.

.....
Signature of Examining
Practitioner.

N.B.—No person will be admitted to any Hospital for the Insane without the approval of the Superintendent or the Inspector, and the person should not be forwarded to such Hospital until notice has been received from the Superintendent or Inspector that admission has been awarded.

Extract from the Revised Statutes of Ontario (1914), Chap. 295, Sec. 7:

7. No person shall be admitted into any hospital, except as a voluntary patient or upon the warrant of the Lieutenant-Governor, without the certificates, Form 1, of two legally qualified medical practitioners, accompanied by the family history in the prescribed form and the financial and estate history in the prescribed form, and upon notice having been received from the superintendent of the hospital that there is a vacancy for the patient. 3-4 Geo. V. c. 83, Form 1.

3-4 Geo. V. c. 83, Form 1.

FORM 2.

WARRANT FOR THE APPREHENSION OF DANGEROUS INSANE PERSON.

Province of Ontario }
County of }

To all or any of the Constables or other Peace Officers in the said County of

Whereas information upon oath has this day been laid before the undersigned, one (*or as the case may be*) of His Majesty's Justices of the Peace in and for the said County of , that A. B. is insane, and dangerous to be at large:

These are therefore to command you, in His Majesty's name, forthwith to apprehend the said A. B. and bring him before me (*or us*), or some one or more of His Majesty's Justices of the Peace in and for the said County, in order that inquiry may be made respecting the sanity of the said A. B., and that he may be further dealt with according to law.

Given under my (*or our*) hand and seal this day of ,
in the year of our Lord , at , in the
County of

[L. S.]

R.S.O. 1897, c. 317, Sched. No. 1, Form B.

FORM 3.

WARRANT OF COMMITTAL FOR SAFE CUSTODY PENDING ENQUIRY.

Province of Ontario, }
County of }

To all or any of the Constables or Peace Officers in the County of

Whereas on the day of last past, information upon oath was laid before me (*or us*) one (*or as the case may be*) of His Majesty's Justices of the Peace in and for the said County of that A.B. is insane and dangerous to be at large; and whereas the hearing of the same is adjourned to the day of at o'clock in the (fore) noon at , and it is necessary that the said A. B. should in the meantime be kept in safe custody:

These are therefore to command you or any of you, the said Constables or Peace Officers in His Majesty's name, forthwith to convey the said A. B. to , and there deliver him to the custody of , together with this precept;

And I hereby require you the said to receive the said A. B. into your custody and there safely keep him until the day of (instant), when you are hereby required to convey and have him the said A. B. at the time and place to which the said hearing is so adjourned as aforesaid, before such Justice or Justices of the Peace for the said County as may then be there to make further enquiry respecting his sanity, and to be further dealt with according to law.

Given under my (*or our*) hand and seal this day of ,
in the year of our Lord at in the county aforesaid.

6 Edw. VII., c. 61, s. 5.

FORM 4.

CERTIFICATE OF JUSTICE.

Province of Ontario, }
County of }

I, the undersigned *C. D.*, Esquire, one of His Majesty's Justices of the Peace for the County of , do hereby certify that I have on this day of , A.D. 19 , personally examined *A. B.* of the of in the county of and I do hereby further certify that from such personal examination, and from the evidence adduced thereon, I am of opinion that the said *A. B.* is insane and dangerous to be at large.

Signed this day of , A.D. 19 , at in the County of .

6 Edw. VII. c. 61, s. 6.

FORM 5.

CERTIFICATE OF MEDICAL PRACTITIONER WHERE PERSON UNDER ARREST
IS NOT FIT FOR HOSPITAL FOR THE INSANE.

I, the undersigned *C. D.* (*here set forth the qualification or degree of the person certifying: for example, Licentiate of the Medical Board; M. D. of the University of Toronto, etc.*), a legally qualified medical practitioner, residing and practising at , in the County of , do hereby certify that I, on the day of , A.D. 19 , at , in the County of , separately from any other medical practitioner, personally examined *A. B.*, (*give address of insane person*), and I further certify that I am satisfied that the said *A. B.* is not insane (*or that the said A. B., though insane, is not dangerous to be at large*), and is not in my opinion a fit person to be confined in a Hospital for the Insane.

Signed this day of , A.D. 19 , at in the County of .

R.S.O. 1897, c. 317, Sched. No. 1, Form F.

FORM 6.

CERTIFICATE OF JUSTICE WHEN PERSON UNDER ARREST IS INSANE.

Province of Ontario
County of

I, the undersigned *C. D.*, one of His Majesty's Justices of the Peace for the County of , do hereby certify that I have on this day of , A.D. 19 , personally examined *A. B.* (*give his address*), and I do hereby further certify that from such personal examination, and from the evidence adduced thereon, I am of opinion that the said *A. B.* is insane, and that the said *A. B.* is a proper person to be confined in a Hospital for the Insane.

Signed this day of , A.D. 19 , at , in the County of .

R.S.O. 1897, c. 317, Sched. No. 1, Form H.

FORM 7.

INFORMATION TO BE ELICITED UPON ENQUIRY.

| QUESTION | ANSWER |
|---|--------|
| 1. The name in full of alleged insane person | |
| 2. Post Office address of such person | |
| 3. County in which apprehended | |
| 4. City, Town, Incorporated Village or Township in which apprehended | |
| 5. How long a resident of such City, Town, Village or Township | |
| 6. Age | |
| 7. Occupation | |
| 8. Religion | |
| 9. Nationality | |
| 10 Sex | |
| 11. Whether married or single, and if single, whether ever married... | |
| 12. Name and Post Office address of husband, wife, parent or guardian, if any, and if guardian state relationship | |
| 13. Number of children, if any, their names and ages, and their Post Office addresses and, if under age, state with whom residing | |
| 14. How long such person has been insane | |
| 15. Duration of the present attack, and whether the first | |
| 16. How the insanity first showed itself, and the supposed causes | |
| 17. Whether any delusions, and if so what they are. | |
| 18. Whether such person is suicidal or dangerous to others | |

| QUESTION. | ANSWER |
|---|--------|
| 19. Whether any offence has ever been committed by such person, and whether such person has ever been convicted of same, with all particulars | |
| 20. Whether such person is subject to epilepsy or paralysis | |
| 21. Whether any of the other members of such person's family have suffered in a similar way, and whether such person has ever been in an asylum, and if so when and where | |
| 22. What have been the habits of such person as to temperance, industry and general conduct, and in what manner they have changed — whether the change has been recent, gradual or sudden | |
| 23. Whether such person has been subject to any bodily ailments, and if so, their nature | |
| 24. Degree of education of such person, and any other information that will in the opinion of the Justice or Justices aid the Medical Superintendent in the treatment of the case | |
| 25. Whether such person is idiotic, imbecile or incurable | |
| 26. Whether the friends or relations of such person, or any of them, if such there be, are able to contribute to the maintenance of such person while in an asylum, and which, if any of such friends, and how much they, or any of them can contribute | |
| 27. Has such person any property, real or personal? What does it consist of and where is it situated; also state value and encumbrances, if any? | |

| QUESTION. | ANSWER. |
|--|---------|
| 28. Has such person any moneys on deposit in banks? If so, in what bank and in whose possession are the deposit receipts, bank books or other acknowledgments of such deposit? | |
| 29. Give the name and Post Office address of the person in whose possession such acknowledgments, if any, are | |
| 30. If such alleged insane person is under the age of twenty-one years, what property, real or personal, has the parent or guardian? What does it consist of and where is it situated; also state value and encumbrances, if any | |
| 31. Has such person any one dependent upon him for support? If so, state relationship, names, ages, and Post Office addresses. | |

Signature of Justice.

Post Office Address.

6 Edw. VII. c. 61, s. 7.

Date 19

N.B.—The above form should be carefully filled in and should contain all the information available.

Note. Forms A, B, C, G, H, J, K, L, M of Sched. 1 are omitted as being proper matters for the Regulations.

FORM 8.

(Section 12.)

FORM OF APPLICATION FOR THE ADMISSION OF A VOLUNTARY PATIENT
TO THE HOSPITAL FOR THE INSANE AT

I, _____ of the _____ of _____ in the County of _____
 being _____ request the Superintendent of the Hospital
 for the Insane at _____ to admit me as a Voluntary Patient,
 and I hereby pledge myself to remain in the said Hospital at
 _____ for a period, not exceeding one year, which the said
 Superintendent may deem necessary to effect a permanent cure in
 my case; and I further pledge myself to give at least five full days'
 notice in writing to the said Superintendent of my intention to leave
 the said Hospital for the Insane; and I further pledge myself to
 submit to the rules and regulations of the said Hospital now in
 force or which may hereinafter be enacted and to carry out or as-
 sist in carrying out all the directions which the said Superintendent
 may give for my treatment, and also to conduct myself in such a
 manner as not to be guilty of any conduct prejudicial to the good
 order and discipline of the said Hospital.

Signed this _____ day of _____, A.D. 191____, at
 in the County of _____.

In the presence of _____

I hereby testify that the above named person _____ is as
 stated in the above application a _____ and that he is a
 reasonably hopeful subject for treatment with a view to effecting
 a cure of his malady.

M.D.

Dated at _____ A.D. 191____.

CHAPTER 300. R.S.O. 1914.

An Act relating to Hospitals and Charitable Institutions.

SHORT TITLE, s. 1.

PART I.

PUBLIC HOSPITALS AND CHARITABLE INSTITUTIONS, ss. 1-22.

Mode of distributing aid, s. 2.

Conditions to be complied with, ss. 3-5.

Restrictions as to paying patients, s. 6.

How amount to be calculated, s. 7.

Limiting number of days' stay, s. 8.

Treasurer of Province to pay amounts, s. 9.

RETURNS, s. 10.

Penalty for false return, s. 11.

POWERS AND DUTIES OF INSPECTOR, ss. 12, 13.

INSTITUTIONS TO RECEIVE AID TO BE DESIGNATED BY ORDER IN COUNCIL, s. 14.

AID MAY BE DISCONTINUED, ss. 15, 21.

APPROVAL OF BY-LAWS FOR INSTITUTIONS, s. 16.

CLINICAL INSTRUCTION, s. 17.

REGISTRATION OF NURSES, s. 18.

CONSUMPTIVES, ADMISSION OF, s. 19.

REFUSAL OF ADMISSION TO PATIENTS HAVING COMMUNICABLE DISEASE, s. 20.

WITHDRAWAL OF AID ON CONTRAVENTION OF SECTIONS 19 OR 20, s. 21.

RIGHTS OF HOSPITAL BOARDS TO TAKE LANDS, s. 22.

MUNICIPAL GRANTS IN RESPECT OF INDIGENT PERSONS, ss. 23, 24.

LIABILITY OF PATIENT TO MUNICIPALITY, s. 25.

PART II.

PRIVATE HOSPITALS.

INTERPRETATION OF PART II., s. 26.

LICENSE FOR HOSPITAL, s. 27.

Application for, s. 28.

Conditions of granting, s. 29.

Kinds of hospitals, s. 30.

Annual fee, s. 31.

Continuation, notwithstanding death, s. 32.

Transfer, ss. 33, 34.

Revocation, s. 35.

STRUCTURAL ALTERATIONS OF PREMISES, PLANS OF, s. 36.

SUPERINTENDENT, ss. 37, 43.

REGISTER OF PATIENTS, s. 38.

VISITATION AND INSPECTIONS, ss. 39, 40.

USE OF HOSPITALS FOR AUTHORIZED PURPOSES ONLY, ss. 41, 42.

SUPERINTENDENT DEEMED TO BE OCCUPIER, s. 43.

RECOVERY OF PENALTIES, s. 44.

ONUS OF PROOF, s. 45.

REPEAL, s. 46.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This act may be cited as *The Hospitals and Charitable Institutions Act*. R.S.O. 1897, c. 320, s. 1.

PART I.

PUBLIC HOSPITALS AND CHARITABLE INSTITUTIONS.

Mode of distributing aid under Act.

2. All money appropriated by this Legislature for the purposes of this Act shall be distributed as follows—

- (1) For every Public Hospital, a per diem rate, fixed from time to time by the Lieutenant-Governor in Council upon the basis of the number of days' actual treatment and stay of each patient admitted to or being within the hospital during the calendar year next preceding the year for which such aid is given.
- (2) For every refuge on the list of such institutions entitled to receive aid 7 cents for each day's actual maintenance therein of any indigent person during the calendar year preceding that for which the aid is given.
- (3) For every orphanage or infants' home on the list of such institutions entitled to receive aid 2 cents for each day's actual maintenance therein of any orphan or neglected or abandoned child during the calendar year next preceding that for which aid is given, and in the case of an infant under one year of age while being nursed by its mother at such orphanage or infants' home, 7 cents per day for each day's maintenance.
- (4) For every such orphanage or infants' home 7 cents per day for each day's actual maintenance of any adult, friendless and indigent female cared for therein during the calendar year next preceding that for which aid is given. 63 V. c. 58, s. 1.

Conditions to be complied with.

3. Every grant made under the authority of the next preceding section shall be conditional upon compliance with the requirements of this Act and of all regulations made thereunder by the Lieutenant-Governor in Council and shall be subject to the restrictions hereinafter contained. 63 V. c. 58, s. 1.

No aid to be granted when receipts exceed cost of maintenance.

4. Where the receipts of any hospital, refuge, orphanage or infants' home are equal to or exceed, without reckoning any aid received under this Act, the expenditure for maintenance of patients or inmates no aid shall be granted to such institution under this Act, unless the Lieutenant-Governor in Council otherwise directs. 63 V. c. 58, s. 1.

5. The aid granted to any hospital or refuge under this Act, except in unorganized districts, unless the Lieutenant-Governor in Council otherwise directs, shall not for any year exceed the amount of the municipal grant for its maintenance during that year. (*New.*)

6.—(1) No hospital shall be entitled to receive aid in respect of paying patients admitted to or being within it. Aid not to be granted as to paying patients.

(2) Every person admitted to, or being within any such hospital who pays, or for whom there is paid, to such hospital from any source, other than the public funds or money of the Province, or of a municipal corporation, a weekly sum in excess of \$7.00 shall be deemed a paying patient. Who may be deemed paying patients.

(3) No aid shall be paid to any hospital which is hereafter established in any municipality in which a hospital already exists and is in operation, unless such additional hospital is established with the approval of the Lieutenant-Governor in Council. No aid to hospital in same municipality where one already aided.

(4) Subsections 1 and 2 shall not apply to a hospital which has not received aid for a period of ten years. R.S.O. 1897, c. 320, s. 5; 4 Edw. VII. c. 38, s. 1; 7 Edw. VII. c. 23, s. 30. Application of subsections 1 and 2.

7. In calculating the amount of the aid the day of departure of any patient or person shall not be included. R.S.O. 1897, c. 320, s. 6. How amount to be calculated.

8.—(1) The Lieutenant-Governor in Council may limit the number of days' stay of different classes of patients or inmates for which aid may be given. Limiting number of days' stay in institutions.

(2) Every Order in Council made under the authority of this section shall be laid before the Assembly as soon as conveniently may be. R.S.O. 1897, c. 320, s. 7. Order in Council to be laid before Assembly.

9. The Treasurer of Ontario, with the authority of the Lieutenant-Governor in Council, may, from any money appropriated for that purpose, pay at such times in every year as the Lieutenant-Governor in Council deems fit, to any institution entitled to receive aid under this Act, the sums to which it is entitled. R.S.O. 1897, c. 320, s. 9 (1); 63 V. c. 58, s. 2. Treasurer of Province to pay over amounts.

[Subsection 2 of section 9 is repealed by 63 V. c. 58, s. 2.]

[Section 10 is repealed by 63 V. c. 58, s. 3.]

10. The Lieutenant-Governor in Council may fix and direct the particulars to be contained in, and the form, manner and time of making and mode of verification of such returns Returns.

as may seem proper for the due carrying out of the provisions of this Act. R.S.O. 1897, c. 320, s. 11.

Penalty in
case of false
return.

11. Any person who knowingly makes, or is a party to the making or procuring to be made, directly or indirectly, of any false return, shall incur a penalty of \$1,000, which may be recovered, with costs, by action at the suit of the Crown only. R.S.O. 1897, c. 320, s. 12.

Inspector.

12. One of the Inspectors of Prisons and Public Charities designated for that purpose by the Lieutenant-Governor in Council, shall be the Inspector of the institutions receiving aid under this Act. R.S.O. 1897, c. 320, s. 13.

Duties of
Inspector.

13. The Inspector shall, from time to time, visit and inspect every such institution, and shall make all proper inquiries as to the maintenance, management and affairs thereof; and by examination of the registers and such other means as he may deem necessary, verify any return which has been made, and shall report thereon to the Lieutenant-Governor in Council. R.S.O. 1897, c. 320, s. 14.

Institutions
to receive
aid to be
designated
by Order
in Council
upon report
of the
Inspector.

14.—(1) The Lieutenant-Governor in Council may designate the hospitals, refuges, orphanages and infants' homes to which aid may be granted; but no institution shall be so designated, unless the Inspector reports that it has all the proper requirements for one of its nature and objects, and that it ought to be aided under this Act. R.S.O. 1897, c. 320, s. 15 (1).

Order in
Council to
be submitted
to the
Assembly.

(2) The Order in Council shall be laid before the Assembly as soon as conveniently may be, and shall not be operative unless and until it has been ratified by the Assembly. R.S.O. 1897, c. 320, s. 15 (2), (3).

Aid may be
discontinued

15. The Lieutenant-Governor in Council may, upon the report of the Inspector that any hospital, refuge, orphanage or infants' home is insufficient, or without the necessary and proper accommodation or requirements for one of its nature and objects, direct that any institution receiving aid shall not thereafter receive aid, and thereupon, and whilst the order in terms remains unrevoked, such institution shall not be entitled to, or receive, further aid, but upon the report of the Inspector he may revoke the order and may also, if he sees fit, direct that the institution shall receive aid for the period or any part of which the first named Order in Council was in force. R.S.O. 1897, c. 320, s. 16.

Managers of
institutions
to make
by-laws and
submit same
to Lieuten-
ant-Gover-
nor in
Council.

16. No by-laws or regulations of the trustees or other governing body having the control or management of any hospital, refuge, orphanage, or infants' home, receiving aid for the government and management of such institution, or for prescribing the method and terms of admission thereto,

or defining and regulating the duties and powers of the officers and servants thereof, and the salaries of such officers and servants shall have force or effect unless and until approved by the Lieutenant-Governor in Council, upon the report of the Inspector. R.S.O. 1897, c. 320, s. 17; 63 V. c. 58, s. 4.

17.—(1) Every hospital receiving aid under this Act shall provide reasonable facilities for giving by such of its staff as may be designated Professors and members of the teaching staff of the Medical Faculty of any University, situate in or near to the place in which the hospital is situate, clinical instruction in the public wards thereof to the medical students of such University, and if the authorities of the hospital and of the University are unable to agree as to the nature and extent of the facilities to be granted, or the regulations under which they are to be made use of, the same shall be determined by the Lieutenant-Governor in Council. (New.)

Facilities to be provided for clinical instruction in hospitals.

(2) Nothing in this section shall prejudice or interfere with any agreement existing between any university and any hospital.

Existing agreement between university and hospital.

18.—(1) Training Schools for Nurses may be conducted at hospitals receiving aid under this Act, and when such regulations in relation thereto as may be prescribed by the Lieutenant-Governor in Council have been observed graduate nurses of such Training Schools may be entitled to registration in a Register kept for that purpose under the direction of the Provincial Secretary, and a person so registered may be designated a registered nurse.

Registration of Nurses.

(2) Unless registered no person shall be entitled to use the title registered nurse either alone or in combination with any word or words or any name, title or description implying that she was registered under this Act, and any person contravening this subsection shall incur a penalty not exceeding \$25, the same to be recoverable under *The Ontario Summary Convictions Act*.

Penalty for using title of registered nurse when unqualified.

19. No hospital receiving aid, shall refuse to admit and care for a patient having tubercular disease. (New.)

Hospitals to admit consumptives.

20. No hospital receiving aid shall refuse to admit and care for any sick person brought to it while suffering from any disease other than a communicable disease, notice of which is by *The Public Health Act*, or by the regulations thereunder, required to be placarded. (New.)

Only patients having communicable diseases can be refused. 2 Geo. V. c. 58.

21. If a contravention of either of the next preceding two sections is reported to the Inspector, and if on investigation the report is found to be correct, the aid may be withdrawn in the manner provided by section 15, and shall not be restored, except in the manner provided by that section. (New.)

Withdrawal of aid on contravention of sections 19 or 20.

Right to
take lands.

22.—(1) The trustees or other governing body of any hospital receiving aid may expropriate any land, adjacent to the hospital for the purpose of enlarging it. (*New.*)

Right not
to be
exercised
until
approved.

(2) The power conferred by subsection 1, shall not be exercised unless the Inspector reports that it is necessary for the purposes of the hospital and approves of the plans of additions and improvements for which the land is required, and his report is approved by the Lieutenant-Governor in Council. (*New.*)

Powers of
expropria-
tion.

3 Edw. VII.
c. 19.

(3) For the purposes of this section the trustees or other governing body of the hospital shall have all the powers conferred upon municipal corporations by *The Consolidated Municipal Act, 1903*, as to acquiring, entering upon, taking and using land required for the use of such corporations and sections 437 to 467 of that Act, shall, *mutatis mutandis*, apply to such trustees or other governing body, as if they had been named therein instead of a municipal corporation, and as if the superintendent of the hospital had been named therein instead of the clerk of the municipality. (*New.*)

Burial
expenses.

23.—(1) The corporation of the municipality in which an indigent person admitted to a hospital receiving aid under this Act is at the time of his admission resident shall be liable to pay to the governing body of the hospital the charges for his treatment, and, in the case of his death, his burial expenses not exceeding \$15.

Municipal
grants to
hospitals
under agree-
ment, as
to indigent
patients.

3 Edw. VII.
c. 19.

(2) A municipal corporation may, as provided for in section 588 of *The Consolidated Municipal Act, 1903*, agree with the trustees or other governing body of the hospital to pay a fixed annual grant in lieu of its liability for the maintenance of the indigent patients admitted to such hospital from the municipality. (*New.*)

When no
agreement
notice to
clerk of
municipality
from which
patient
came.

(3) Where there is no such agreement, and an indigent person is admitted as a patient to any hospital receiving aid under this Act, the superintendent of such hospital shall by registered post notify the clerk of the municipality of which such patient represents himself as being a resident, that he has been admitted to the hospital, giving such particulars as may be ascertainable to enable the clerk to identify the patient. (*New.*)

Residence
admitted.

(4) Unless the clerk within fourteen days after the mailing of such notice notifies the superintendent of the hospital by registered post that such patient is not a resident of that municipality, he shall be deemed to be a resident of it. (*New.*)

Recovery of
charge from
municipality

(5) Upon the discharge or death of a patient, who was, or under subsection 3, is deemed to have been a resident of

the municipality at the time of his admission, the superintendent of the hospital shall give notice thereof by registered post to the clerk of the municipality, and shall furnish a statement of the claim of the hospital in respect of such patient, and the corporation of the municipality shall be liable for and shall pay the amount of such claim. (*New.*)

(6) Where a patient is admitted to a hospital from territory without municipal organization, in which he was employed immediately prior to his admission to the hospital, the superintendent shall notify his employer in the same manner as provided for in subsection 3, and such employer shall be liable for the maintenance of the patient. (*New.*)

Patients from un-organized townships.

(7) Every employer of labour having more than ten persons in his employ and having a contract for the medical and surgical care of his employees shall be liable for the maintenance of such employee in any Public Hospital, but not at a higher rate than the actual cost per day for maintenance at such hospital. (*New.*)

Patients under medical contract.

24. No hospital shall charge against a municipal corporation for the maintenance of an indigent patient a higher rate than \$1.00 per day. (*New.*)

Limitation of charge for indigent patient.

25. Upon payment by a municipal corporation of the charges of a hospital for the treatment or burial of a patient such patient or his executors or administrators shall be liable for the amount so paid, as for a debt due to such municipal corporation. (*New.*)

Liability of patient or his estate to municipality.

PART II.

PRIVATE HOSPITALS.

26. In this Part

“House” shall include any building, tent, or other structure, whether permanent or temporary, intended for human habitation; and where there are two or more such structures in the occupation of the same person, and situate on the same piece of land, they shall be deemed to constitute a single house within the meaning of this Act;

Interpretation.

“Maternity hospital” shall mean a private hospital for the reception and care of patients in or in respect of child birth;

“Maternity hospital.”

“Medical and surgical hospital” shall mean a private hospital for the reception of any class of patients other than those last mentioned;

“Medical and surgical hospital.”

“Patient” shall mean a person received and lodged in a private hospital;

“Patient.”

“Private hospital” shall mean a house in which two or more patients are received and lodged at the same time, other than:

“Private hospital.”

(a) An institution to which Part I applies;

(b) A hospital or other establishment wholly or mainly supported by Provincial aid;

R.S.O. 1897,
c. 310.

(c) An institution in respect of which a license under *The Act respecting Private Lunatic Asylums* is in force;

3 Edw. VII.
c. 19.

(d) An institution for the reclamation and cure of habitual drunkards, established under *The Consolidated Municipal Act, 1903*. (New.)

License for
hospital.

27.—(1) No house shall be used as a private hospital except under the authority of a license issued by the Provincial Secretary under this Act.

Penalty.

(2) If any house is used as a private hospital in breach of this section, the occupier and all persons concerned in the management of the hospital shall severally incur a penalty not exceeding \$25 for every day during which such use is continued. (New.)

Application
for license.

28.—(1) Every application for a license to keep a private hospital shall be made in writing to the Provincial Secretary, and shall contain the following particulars:—

(a) The full name, place of abode, and occupation of the applicant;

(b) A statement of the estate or interest of the applicant in the house in respect of which the license is desired;

(c) A statement of the number of patients proposed to be received in the hospital and in each room or apartment of the hospital;

(d) A description of the situation of the hospital;

(e) A plan of the hospital on a scale of not less than an eighth of an inch to the foot;

(f) A statement of the length, breadth and height of every room and apartment in the hospital, including operating and subsidiary rooms;

- (g) A statement of the rooms or apartments to be used exclusively by patients, and of those to be used exclusively by the licensee or the superintendent of the hospital or by persons other than patients;
- (h) A statement of the sanitary arrangements, ventilation, heating and water supply of the hospital;
- (i) A full description of the fire escapes of the hospital and the facilities provided for use in case of fire;
- (j) A statement as to the classes of patients proposed to be received into the hospital.

(2) Every such application shall be verified by the statutory declaration of the applicant, and shall be accompanied by a fee of \$5.

29.—(1) No license shall be granted unless the house and its location with regard to adjoining dwelling houses is approved by the Inspector as suitable for the purposes indicated in the application, and the Provincial Secretary is satisfied as to the character and fitness of the applicant. (*New*).

(2) The approval of the Inspector as to the location of the house shall not apply to a house used as a private hospital on the 15th day of April, 1913, so long as it continues to be used for that purpose.

30.—(1) Every licensed hospital shall, according to the tenor of the license issued in respect thereof, be either—

Kinds of
licensed
private
hospitals.

- | | |
|---|------------------------|
| (a) A licensed maternity hospital; or | Maternity. |
| (b) A licensed medical and surgical hospital; or | Medical. |
| (c) A hospital licensed both as a maternity and as a medical and surgical hospital. | Maternity and medical. |

(2) Every license shall state the maximum number of patients who may be received and lodged in the hospital at any one time.

(3) A license may be limited to the reception of any particular class or classes of patients. Limitation
of patients.

(4) Every license shall continue in force until revoked in accordance with this Act. (New.)

31. A licensee shall, in the month of October in each year, pay to the Provincial Secretary a fee of \$5 for the continuance of the license. (*New.*) Annual fee by licensee.

Continuation of license notwithstanding death of one of joint licensees.

32. When a license has been issued to two or more persons jointly, and during the currency thereof any of those persons dies leaving the other or others surviving, the license shall remain in force and have the same effect as if granted to the survivor or survivors. (New.)

Transfer of license upon application of licensee.

33. On the application in writing signed by the licensee and by any person to whom he desires that his license shall be transferred, the Provincial Secretary may, by indorsement on the license or otherwise in writing, transfer the license to that person, and thereupon that person shall become the licensee of the hospital, with the same rights and obligations as if the license had been granted to him. (New.)

Transfer or revocation of license upon death of licensee.

34.—(1) If the licensee or the sole surviving licensee dies, the Provincial Secretary may, by indorsement on the license or otherwise in writing, transfer the license to any person nominated by the executors or administrators of the deceased licensee, and that person shall thereupon become the licensee of the hospital, with the same rights and obligations as if the license had been granted to him.

Continuation of license until revoked.

(2) Unless and until the license is revoked under this section or under section 35, the hospital shall continue to be a licensed hospital, and the superintendent and other officers shall be deemed for the purposes of this Act to continue in office in the same manner as if the licensee were still living.

If no transfer within two months, license to be revoked.

(3) If the license is not transferred under the authority of this section within two months after the death of the licensee or of the sole surviving licensee, the Provincial Secretary may, by writing under his hand, revoke the license, and notice of the revocation shall be published in the *Ontario Gazette*. (New.)

Revocation of license.

35.—(1) A license may at any time be revoked by the Provincial Secretary, if:—

Default in payment of license fee.

(a) The licensee has made default for three months in paying the annual license fee;

Conviction of offence against Act.

(b) The licensee or superintendent has been convicted of an offence against this Act or of any offence punishable by imprisonment, or if;

Premises unsanitary.

(c) In the opinion of the Inspector the hospital premises are unsanitary or without proper fire protection, or the hospital is managed or conducted in such a manner that the revocation of the license is required in the public interest.

(2) Before a license is revoked, the Provincial Secretary shall give notice to the licensee or superintendent of the ground on which it is proposed to revoke the license, and shall afford to him an opportunity of showing cause why the license should not be revoked. Notice to licensee.

(3) Any such notice may be given to the licensee or superintendent, either personally or by leaving it at the hospital with an officer or employee thereof, and the revocation shall be effected by writing, under the hand of the Provincial Secretary, and notice of the revocation shall be published in the *Ontario Gazette*. Service of notice.

(4) The decision of the Provincial Secretary as to the revocation of a license shall be final and conclusive, and shall not be questioned in any Court or in any proceeding. (*New*). Decision of Provincial Secretary final.

36.—(1) No structural alteration of or addition to any licensed hospital shall be made until a plan of the proposed alteration or addition has been given to and approved by the Inspector. Inspector to approve plans of structural alterations.

(2) If any alteration or addition is made in breach of this section, the licensee shall incur a penalty not exceeding \$100. (*New*). Penalty.

37.—(1) For every licensed hospital there shall at all times be a superintendent resident on the premises, who may be the licensee himself, if qualified under this section, and shall be either a legally qualified medical practitioner or a trained graduate nurse. Superintendent of licensed hospital.

(2) No person other than a licensee shall be appointed as the superintendent, until his name and qualification have been notified to the Inspector and he has approved of the appointment. Inspector's approval.

(3) During the temporary absence, illness or incapacity of the superintendent the licensee may, without notice to the Inspector, appoint as acting superintendent any other person qualified in accordance with this section; and every person so appointed shall, while he so acts, be deemed for the purposes of this Act to be the superintendent, but he shall not so act, whether under the same or successive appointments, for a longer continuous period than four weeks. Acting superintendent.

(4) If at any time a licensed hospital is used as such, while there is no duly qualified superintendent, or while the superintendent is not resident on the premises, the licensee shall Penalty.

incur a penalty not exceeding \$25, for every day during which it is so used.

Exemption
by Pro-
vincial
Secretary.

(5) The Provincial Secretary may, because of special circumstances, and on such terms and conditions as he thinks fit, by warrant under his hand, temporarily, exempt any licensed hospital from the requirements of subsection 1.

Withdrawal
of exemp-
tion.

(6) Any exemption so granted, may be withdrawn by him by notice under his hand and delivered to the licensee of the hospital. (*New.*)

Register of
patients.

38.—(1) In every licensed hospital there shall be kept a Register of Patients, in which shall be entered the following particulars:—

Name, etc.,
of patients.

(a) The name, age, and usual place of abode of every patient, and date of his admission into the hospital;

Name of
medical
practitioner.

(b) The name of the medical practitioner, if any, attending each patient;

Date of
patient's
departure
or death.

(c) The date at which each patient leaves the hospital, or, in the event of the death of a patient in the hospital, the date of his death;

Other
particulars.

(d) Such other particulars as may be prescribed by the Inspector.

Entry of
particulars.

(2) Such particulars shall be entered in the Register as soon as practicable after the occurrence of the act or event to which the entry relates.

Penalties.

(3) Every person who knowingly makes in the Register an untrue entry, shall incur a penalty not exceeding \$200.

(4) Every licensee who fails to make or cause to be made any entry in the Register, required by this Act to be made therein, shall incur a penalty not exceeding \$50. (*New.*)

Inspection
by Inspector.

39. Every licensed hospital, and the Registers thereof, shall at all times be open to inspection by the Inspector.

Inspector
may enter
unlicensed
premises if
he believes
the same to
be used as
a private
hospital.

40. If the Inspector believes or suspects that any house is used as a private hospital without being licensed, he may at any time and from time to time by himself, or by any person authorized by him, enter and inspect such house and every part thereof; and any person who prevents or obstructs or

attempts to prevent or obstruct any such entry or inspection shall incur a penalty not exceeding \$200. (*New.*) Penalty.

41.—(1) A licensed hospital shall not be used for any purpose other than the purposes in respect of which the license is granted, and purposes reasonably incidental thereto. Licensed hospitals to be used only for authorized purposes.

(2) If a licensed hospital is used in any manner contrary to the provisions of this section the licensee and superintendent shall severally incur a penalty not exceeding \$25 for every day during which it is so used. Penalty.

42. If at any time a licensed hospital is used for the reception of a greater number of patients than is permitted by the license, or for the reception of any patient of a class not authorized by the license, the licensee and the superintendent shall severally incur a penalty not exceeding \$25 for every day during which it is so used. (*New.*) Reception in licensed hospital of more than authorized number of patients. Penalty.

43.—(1) The Superintendent of a licensed hospital shall be deemed to be the occupier of the house for the purpose of giving notice under *The Public Health Act* of any patient found or suspected to be suffering from any communicable disease. Superintendent of hospital deemed the occupier for certain purposes. 2 Geo. V. c. Penalty.

(2) The superintendent of a licensed hospital shall be deemed to be the occupier thereof for the purpose of giving notice or information under *The Vital Statistics Act*, of the death of any person or of the birth of any child in the hospital. (*New.*) Superintendent deemed occupant. 8 Edw. VII. c. 28.

44. The penalties imposed by or under the authority of this Act, shall be recoverable under *The Ontario Summary Convictions Act*. (*New.*) Penalties. 10 Edw. VII. c. 37.

45.—(1) If any prosecution for an offence against this Part the burden of proving that any person residing in a house and there receiving medical treatment is not a patient within the meaning of this Act shall be upon the person charged. Burden of proof in prosecutions to be on defendant.

(2) In any prosecution for an offence against this Part the burden of proving that a license is in force, and of proving its terms, and that any person apparently having the charge, control or management of the hospital is not the superintendent thereof within the meaning of this Act, shall be upon the person charged. (*New.*)

Repeal.

46. Chapter 320 of the Revised Statutes of Ontario, 1897, chapter 58 of the Acts passed in the 63rd year of the reign of Her late Majesty Queen Victoria; and chapter 38 of the Acts passed in the fourth year; and section 30 of chapter 23 of the Acts passed in the seventh year of the reign of His late Majesty King Edward the Seventh, are repealed.

CHAPTER 298. R.S.O. 1914.

An Act respecting Sanatoria for Consumptives.

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| SHORT TITLE, s. 1. | PROPERTY, TO BE VESTED IN TRUSTEES, s. 12 (1). |
| INTERPRETATION, "Board," s. 2. | Power to expropriate land, s. 12 (2) (3). |
| ESTABLISHMENT OF SANATORIA BY MUNICIPALITIES, s. 3. | Application of <i>The Municipal Act</i> , s. 12 (4). |
| JOINT ACTION BY TWO OR MORE MUNICIPALITIES, s. 4. | Property and operation of institution to be under control of Trustees, s. 13. |
| Provisional by-law in case of one only, s. 5. | REGULATIONS, Power of Lieut.-Governor in Council to make, s. 14. |
| APPROVAL OF PLANS, SITE, ETC., BY PROVINCIAL SECRETARY, s. 6 (1). | GRANT FROM PROVINCE, s. 15. |
| Modifications and alterations thereof, s. 6 (2). | Aid to maintenance, s. 16. |
| Notice of application, when and to whom to be sent, s. 6 (3). | ANNUAL RATES, s. 17. |
| BY-LAWS FOR RAISING NECESSARY FUNDS, s. 7. | CLOSING, s. 18. |
| BY-LAWS FOR ESTABLISHING SANATORIA, s. 8 (1). | Sale and disposal in case of closing, etc., s. 19. |
| Approval of plans, etc., by Provincial Secretary, s. 8 (2). | TAXATION, EXEMPTION FROM, s. 20. |
| TRUSTEES, BOARD OF, s. 9 (1). | DONATIONS, s. 21. |
| Qualification, etc., s. 9 (2). | ESTABLISHMENT BY NATIONAL SANATORIUM ASSOCIATION, s. 22 (1). |
| Proportion of yearly cost of maintenance to be stated in agreement, s. 9 (3). | Plans, sites, etc., to be submitted to Provincial Secretary, s. 22 (2) (3). |
| Terms of admission and other conditions, s. 9 (4). | Application of secs., 14, 15, 16 and 20, s. 22 (4). |
| Powers and duties of Trustees, s. 10. | Application of, secs. 9-13, 16, 23-25 of <i>The Hospitals and Charitable Institutions Act</i> , s. 23. |
| Chairman, Vice-Chairman and Secretary, s. 11. | Limitation of charge, s. 24. |
| | REPEAL, s. 25. |

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Sanatoria for Consumptives Act*. Short title.

2. In this Act "Board" shall mean the corporation mentioned in subsection 1 of section 10. Interpretation.

Establishment of sanatoria by municipalities.

3. Subject to the provisions of this Act, the corporation of any municipality or the corporations of any two or more municipalities may establish a sanatorium for the treatment of consumptives and may for that purpose acquire land or interests therein and erect and equip buildings and other improvements thereon, and do such other things as may be necessary to complete, maintain and operate such sanatorium and carry out the objects and requirements of this Act. 63 V. c. 57, s. 1.

Joint action by two or more municipalities.

4. The corporation of any municipality may procure or join another or others in procuring plans of buildings and improvements for a sanatorium and estimates of the cost, including that of the proposed site, and such other information as may seem desirable, and the corporations of any two or more municipalities may confer by such representatives as their councils may appoint, with a view to agreeing upon a basis for establishing a joint sanatorium, and may enter into a provisional agreement respecting the same. 63 V. c. 57, s. 2.

Provisional by-law.

5. If the corporation of one municipality only is establishing the sanatorium, a provisional by-law respecting the same shall be passed. 63 V. c. 57, s. 3, *part*.

Approval of plans, site, etc., by Provincial Secretary.

6.—(1) The plans and estimates, and the provisional by-law or provisional agreement, as the case may be, and the proposed site, which may be anywhere within Ontario, shall be submitted to the Provincial Secretary, who shall refer the same to the Provincial Board of Health for report.

Modifications and alterations thereof.

(2) Upon receiving the report the Provincial Secretary may approve of the plans, estimates, provisional by-law or agreement, as the case may be, and the site; subject to such modifications and alterations, if any, as he may think best.

Notice of application.

(3) If the proposed site is not within the municipality or one of the municipalities, the Provincial Secretary shall, before approving of the site, transmit by post to the head of the municipality in which it is situate, notice of the application. 63 V. c. 57, s. 3, *part*.

By-laws for raising necessary funds.

7. Upon the approval of the Provincial Secretary being given, the council of the municipality, or of each of the municipalities concerned, as the case may be, may pass by-laws for raising the money proposed to be paid or contributed by the corporation of such municipality in respect of the original cost of the sanatorium, or the cost of extensions, alterations and additions, and may issue debentures therefor. 63 V. c. 57, s. 4.

8.—(1) Upon the by-law or by-laws being passed, the corporation or corporations concerned may pass by-laws to establish the sanatorium, or to enter into the agreement to establish a joint sanatorium, as the case may be, in accordance with the approval given by the Provincial Secretary. By-laws for establishment of sanatoria.

(2) Upon by-laws being passed for raising the money proposed to be paid or contributed in respect of the cost of extensions, alterations and additions, the approval by the Provincial Secretary of the plans thereof shall be obtained in the same way as provided by section 6, and upon such approval being given, the extensions, additions and alterations may be proceeded with by the corporation or corporations concerned. 63 V. c. 57, s. 5. Approval of plans, etc., by Provincial Secretary.

9.—(1) The by-law or agreement establishing a sanatorium or a joint sanatorium shall provide for the appointment of a Board of not less than five trustees to take charge of and manage the same. Board of trustees.

(2) The qualifications, and term of office, which shall not exceed five years, and the quorum of the trustees and the manner of appointing their successors and of filling vacancies, shall be provided for in the by-law or agreement, and the trustees shall hold office until their successors are appointed. Qualification, etc.

(3) The agreement for a joint sanatorium shall state the proportion of the yearly cost of maintenance, operation and repairs to be borne by the corporation of each municipality. Proportion of yearly cost.

(4) The by-law or agreement may also define the terms and conditions on which patients may be admitted into the sanatorium, and contain such other particulars as may be deemed proper. 63 V. c. 57, s. 6. Terms of admission.

10.—(1) The trustees and their successors shall be a corporation under the name of "The Trustees of (*naming the sanatorium*)."

(2) In addition to the powers and duties conferred by this Act, the trustees shall have such powers and duties, not inconsistent with this Act, as may be conferred or imposed upon them by the by-law or agreement, or by any future by-law or agreement passed or entered into by or with the municipal corporation or corporations with the approval of the Provincial Secretary. 63 V. c. 57, s. 7. Powers and duties.

Chairman
and vice-
chairman.

11.—(1) The trustees shall elect yearly one of their number to be chairman of the Board, to hold office for one year and thereafter until his successor as chairman is elected and a vice-chairman may also be similarly elected. 63 V. c. 57, s. 8.

Secretary.

(2) The Board shall appoint a secretary. *New.*

Property
vested in
Trustees.

12.—(1) The property acquired for the sanatorium shall be conveyed to and vested in the board for the uses and purposes thereof. 63 Vic. c. 57, s. 9, *part.*

Trustees
may ex-
propriate
lands for
sanatorium.

(2) The Board may, without the consent of the owner thereof or of any person interested therein, enter upon, take, use and expropriate all such land as the Board may deem necessary for the purposes of the sanatorium, making due compensation therefor to the owner or occupier thereof, and all persons having any interest therein.

Approval
of Inspector
of Prisons
and Public
Charities.

(3) If such land is required for the purpose of enlarging or otherwise improving an existing sanatorium the powers conferred by subsection 2 shall not be exercised unless the Inspector of Prisons and Public Charities reports that it is necessary for the purpose of the sanatorium and approves of the plans and improvements for which the land is required and his report is approved by the Lieutenant-Governor in council.

Application
of the Muni-
cipal Act.

(4) The provisions of *The Municipal Act* as to taking land compulsorily and making compensation therefor, and as to the manner of determining and paying the compensation, shall *mutatis mutandis* apply to the Board and to the exercise by it of the powers conferred by subsection 2; and when any act is by any of such provisions required to be done by the clerk of a municipality, or at the office of such clerk, the like act shall be done by the secretary of the Board or at his office, as the case may be. 7 Edw. VII. c. 55, s. 1, *redrafted*, and *See* 2 Geo. V. c. 85, s. 22.

Property,
etc., to be
under con-
trol of
trustees.

13. The Board shall, subject to the terms of the by-laws or agreements relating thereto, and to regulations made by the Lieutenant-Governor in Council, have the control and management of the erection of the buildings and improvements and of the operation and maintenance of the sanatorium and of all matters and things connected therewith or relating thereto, and may make rules respecting the same, not inconsistent with the terms of the said by-laws or agreements or of this Act, or of the regulations of the Lieutenant-Governor in Council. 63 V. c. 57, s. 10.

14 The Lieutenant-Governor in Council may make regulations respecting the inspection and management of the sanatorium, and such regulations shall take effect and be complied with, notwithstanding the terms of any regulation of the Board, which, so far as inconsistent with those made by the Lieutenant-Governor in Council, shall be inoperative. 63 V. c. 57, s. 11. Regulations.

15. The Lieutenant-Governor in Council may, out of the Consolidated Revenue Fund, grant to the Board a sum equal to one-fifth of the value as reported by the Inspector of Prisons and Public Charities, of the site, buildings, improvements and equipment, extensions, additions and alterations, not exceeding with respect to any one sanatorium \$4,000 in all. 63 V. c. 57, s. 12, *amended*. Grant from Province towards establishment.

16.—(1) The Lieutenant-Governor in Council may, out of any money appropriated by the Legislature for the purpose, pay to the Board towards the maintenance and treatment of patients for each patient for whose maintenance not more than 70 cents per day is contributed, and who was prior to admission a resident of Ontario, a sum at the rate of \$3.00 per week for each patient, but in the event of the corporation of a city having a population of over 100,000 persons agreeing to pay a rate of one dollar per day for the maintenance of indigent patients, payment may be made towards the maintenance and treatment of such patients in the same manner as if seventy cents per day had been paid. Provincial aid for maintenance.

(2) The treasurer of any municipality, which has not established, or which is not a party to an agreement under which a joint sanatorium is established, by which patients admitted from such municipality to a sanatorium are to be maintained, shall, out of the money of the corporation, pay to the Board such sum, not exceeding 70 cents per day, as may be required by the trustees for the maintenance and treatment of each indigent patient who was resident in the municipality at the time of admission. 63 V. c. 57, s. 13; 9 Edw. VII. c. 26, s. 18, *amended*. Municipal aid.

17.—(1) The corporation or corporations establishing a sanatorium or joint sanatorium shall, with the yearly rates and in the proportions provided for in the agreement, levy the money required to meet the residue of the cost of the maintenance, operation and repair of the sanatorium for the year, and pay over the same to the Board. Annual rates.

(2) Nothing in this section shall authorize the Board to incur any liability or make any expenditure not authorized by the by-law or agreement establishing the sanatorium, or by by-law or resolution of the councils of the municipalities concerned. 63 V. c. 57, s. 14. Restrictions upon expenditure.

Closing
sanatorium.

18. Nothing in this Act shall prevent a municipal corporation which has established a sanatorium from closing the same at any time, either temporarily or permanently. 63 V. c. 57, s. 15.

Disposal
of same.

19. If a sanatorium is closed for nine consecutive months, the Lieutenant-Governor in Council may make provision for the sale or other disposition of the sanatorium and the property thereof and for the application of the proceeds, and may make such other provisions relating thereto as he may deem proper. 63 V. c. 57, s. 16.

Exemption
from
taxation.

20. The property acquired for a sanatorium and vested in the Board shall be exempt from all municipal or other taxation, including school rates or taxes. 63 V. c. 57, s. 17, *redrafted*.

Accepting
donations.

21. The Board may accept from any person a donation of property, whether by will or otherwise, for the use of the sanatorium, and may apply the same in accordance with the terms of the donation. 63 V. c. 57, s. 18.

Establish-
ment by
National
Sanatorium
Association.

22.—(1) The corporation of any municipality or the corporations of any two or more municipalities may agree with any Association duly incorporated, for the establishment and maintenance by such Association of a sanatorium for the treatment of consumptives and for contributing towards the cost and maintenance of any sanatorium heretofore established, or which may be hereafter established, and of any extensions, alterations or additions thereto, and the councils thereof shall have similar powers to those conferred by this Act for procuring plans, estimates and other information and the basis for establishing any sanatorium and as to the location thereof, within or without the municipality and may from time to time pass by-laws for raising money, if any, proposed to be paid or contributed by the municipality in respect of the sanatorium and for the issue of debentures therefor.

Submission
of plans,
etc., to
Provincial
Secretary.

(2) The plans, estimates, and agreement and proposed site shall be submitted for the approval of the Provincial Secretary in a manner similar to that provided by sections 6 and 8 and upon such approval being given the agreement may be acted upon.

Modifica-
tions
thereof.

(3) The parties to such agreement may make such changes in or modifications thereof, as may be required by the Provincial Secretary as a condition of his approval. 3 Edw. VII. c. 19, s. 590 a (1-3). *Amended*.

(4) Sections 14, 15, 16 and 20 shall apply to a sanatorium established under this section and to the trustees of an Association and to any sanatorium heretofore established or which may hereafter be established by such Association. Application of secs. 14, 15, 16 and 20.
 3 Edw. VII. c. 19, s. 590 a (4). *Amended.* 2 Geo. V. c. 40, s. 15.

23. Sections 9, 10, 11, 12, 13, 16, 23, and 25 of the *Hospitals and Charitable Institutions Act* shall also apply to any Sanatorium for Consumptives. *New.* Application of certain sections of 2 Geo. V. c. 85.

24. No sanatorium shall charge against a municipal corporation for the maintenance of an indigent patient a higher rate than 70 cents per day, provided that in the case of a city having a population of over 100,000 persons, by agreement with the corporation of the city a rate of not more than one dollar per day may be charged. Limitation of charge for indigent patient.

25. Chapter 57 of the Acts passed in the 63rd year of the reign of Her late Majesty Queen Victoria, sections 28 and 29 of chapter 12, and section 32 of chapter 26 of the Acts passed in the 1st year, section 57 of chapter 7 of the Acts passed in the 3rd year, chapter 55 of the Acts passed in the 7th year, section 18 of chapter 26 of the Acts passed in the 9th year of the reign of His late Majesty King Edward the Seventh. and section 15 of chapter 40 of the Acts passed in the 2nd year of the reign of His present Majesty are repealed. Repeal.

CHAPTER 301. R.S.O. 1914.

An Act to provide for the Inspection of Provincial and other Hospitals, Charities, Prisons and Court Houses

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|---|---|
| SHORT TITLE, s. 1. | As to provincial hospitals for insane, ss. 11-13. |
| INTERPRETATION, s. 2. | As to other hospitals and charities, s. 14. |
| REGULATIONS, s. 3. | As to private sanatoria, s. 15. |
| INSPECTORS, ss. 4-8. | Removal of patients, s. 16. |
| Senior Inspector, ss. 6, 7. | Reports, ss. 17, 18. |
| Reference to Inspector in Statutes, s. 7. | Inspection of Court Houses, s. 19. |
| DUTIES AND POWERS OF INSPECTORS: | ASSISTANCE TO INSPECTOR, s. 20. |
| Generally, s. 9. | LIMITATION OF ACTIONS, s. 21. |
| As to gaols, etc., s. 10. | REPEAL, s. 22. |

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Prisons and Public Charities Inspection Act*. R.S.O. 1897, c. 321, s. 1. Short title.

2. In this Act

- (a) "Inspector" shall mean an Inspector of Prisons and Public Charities appointed by the Lieutenant-Governor in Council under the authority of this Act. Interpretation.
"Inspector."
- (b) "Minister" shall mean the member of the Executive Council for the time being charged with the administration of this Act; "Minister."
- (c) "Regulations" shall mean regulations made by the Lieutenant-Governor in Council under the authority of this Act or any Act for which this Act is substituted. *New.* "Regulations."

3. The regulations heretofore made for the government of provincial hospitals for the insane, private sanatoria for the treatment of mental diseases, sanatoria for consumptives, public and private hospitals, refuges, orphanages and infants' homes, and the common gaols, and reformatories, and other prisons, are confirmed and shall continue in force until Regulations and their amendment.

altered or repealed by regulations made in pursuance of this or any other Act of this Legislature. R.S.O. 1897, c. 321, s. 3. *Amended.*

Appoint-
ment of
Inspectors.

4. The Lieutenant-Governor in Council may appoint three persons to be inspectors of the institutions mentioned in section 3, each of whom shall be designated an Inspector of Prisons and Public Charities. R.S.O. 1897, c. 321, s. 4. *Amended.*

Duties of
Inspector.

5. The Lieutenant-Governor in Council may designate what public and other institutions requiring inspection are to be inspected by each Inspector, and may define the duties of the Inspectors. R.S.O. 1897, c. 321, s. 5.

"Inspector
of Prisons
and Public
Charities."

6.—(1) One of the Inspectors designated by the Lieutenant-Governor in Council shall be a corporation sole, by the name of "The Inspector of Prisons and Public Charities" and by that name he and his successors in office shall have perpetual succession and may sue and be sued. R.S.O. 1897, c. 321, s. 6. *Amended.*

Application
of Hospitals
for Insane
Act.

(2) Sections 35 to 46 of *The Hospitals for the Insane Act* shall apply to such Inspector.

In case of
his death,
etc.

(3) In case of the death, removal or resignation of such Inspector, all the rights, powers, duties, obligations, money or estates under those sections, or under anything done in pursuance thereof, which are vested in him, or belong to him, either by his name of office or in his corporate capacity, at the time of his death, removal or resignation, shall thereupon become vested in, and shall belong to, the Inspector designated or appointed by the Lieutenant-Governor in Council as his successor. R.S.O. 1897, c. 321, s. 7. *Amended.*

References
in Statutes
to Inspec-
tor.

7. Except as in the next preceding section provided, where the Inspector of Prisons and Public Charities is referred to in any Statute, by that or any other name the reference shall be held to apply to that one of such Inspectors, to whom, under an order of the Lieutenant-Governor in Council, the duty or power to which the reference relates belongs. R.S.O. 1897, c. 321, s. 8. *Amended.*

[Section 9 omitted as unnecessary.]

Inspectors'
duties.

8.—(1) One of the Inspectors shall visit and inspect every gaol, refuge, reformatory and prison or other place in Ontario, kept or used for the confinement of persons, once in each year or more frequently, if necessary, or if so directed by the Minister, and the Inspector may examine any person holding any office or receiving any salary or emolument in any such place, and call for and inspect all books and papers relating to it; and may inquire into all matters concerning the same. R.S.O. 1897, c. 321, s. 10, *part, amended*; 62 Vic. (2), c. 38.

(2) Every Inspector shall make a separate and distinct ^{Report to Minister.} report in writing to the Minister of the state of every place of confinement visited by him. R.S.O. 1897, c. 321, s. 10, *part.*

9. Where an Inspector deems it expedient to institute ^{Power of Inspector in institut-} an inquiry into the management of any institution subject ^{ing inquiries} to his inspection or into any matter in connection therewith, ^{into institu-} or into the truth of any return made by any officer of the ^{tions sub-} institution, and deems that any officer of the institution or ^{ject to his} any other person should give evidence before him on oath, the Inspector shall have the same power to summon such officer or other person to attend as a witness, to enforce his attendance, and to compel him to produce documents and to give evidence, as any Court has in civil cases. R.S.O. 1897, c. 321, s. 11.

10.—(1) The Lieutenant-Governor in Council may make ^{Power of Lieutenant-Governor to make regulations.} regulations respecting the common gaols and relating to:—

- (a) the maintenance of prisoners in regard to diet, clothing, bedding, and other necessities;
- (b) their employment;
- (c) medical attendance;
- (d) religious instruction;
- (e) the conduct of the prisoners, and the restraint and punishment to which they may be subjected;
- (f) the treatment and custody of the prisoners generally and the internal economy and management of the gaol; and
- (g) all such other matters connected with the maintenance, government and control of gaols as may be deemed expedient.

(2) Nothing in this section shall prevent a municipal ^{Special regulations by municipal councils.} council from making such special regulations, not inconsistent with this Act or the Regulations, as the peculiar circumstances of any gaol maintained by it, and the locality in which it is situate may, in its opinion, require. R.S.O. 1897, c. 321, s. 12. *Amended.*

11. One of the Inspectors shall at least three times ^{Inspection of public hospitals for the insane and epileptics.} in every year visit and inspect every Provincial hospital for the insane, and the Hospital for Epileptics and

- (a) examine into the manner in which it is conducted;
- (b) examine the reports made to him by the medical superintendent and bursar;

(c) inquire as to the observance of the regulations therein; and

(d) ascertain if the clinical records of all patients are properly kept. R.S.O. 1897, c. 321, ss. 13 and 19. *Amended.*

Inspector's
annual
report.

12. The Inspector shall make an annual report to the Minister upon the manner in which any training school for nurses in any such hospital is conducted. *New.*

Regulations
respecting
Provincial
hospitals.

13. The Lieutenant-Governor in Council may make regulations respecting Provincial hospitals for the insane, as to

(a) the government and management thereof;

(b) the duties of the officers, servants, and employees; and

(c) the establishment, management and control of any school for nurses therein. R.S.O. 1897, c. 321, s. 14. *Amended.*

Report of
the manage-
ment, etc.

14.—(1) An Inspector, at least once in every year and oftener if required by the Minister shall visit, examine, and report to him upon the state, management and condition of every hospital or other charitable institution supported, in whole or in part, by grant of public money, provincial or municipal, and of every private hospital, and make such suggestions as he may deem necessary or proper for the better government and management thereof.

In case
admission
refused.

(2) If the Inspector is refused admission into any such hospital or other institution he shall forthwith report such refusal to the Minister, with the circumstances attending the same. R.S.O. 1897, c. 321, ss. 16 and 17. *Amended.* See 2 Geo. V. c. 85, s. 12.

Report on
private
sanitaria.

15. An Inspector, at least once in every year, and oftener if required by the Minister, shall visit, examine and report to him upon the state and management of every private sanitarium for the treatment of mental diseases, licensed under the provisions of *The Act respecting Sanitaria for Mental Diseases*, and upon the condition of its inmates, and the Minister after the receipt of such report may suspend or revoke any license granted under that Act. R.S.O. 1897, c. 321, s. 18.

Rev. Stat.
c. 318.

Revocation
of license.

Removal
to House
of Refuge.

16. If upon the inspection of a provincial hospital for the insane the Inspector finds that according to the report of the Superintendent any patient has sufficiently recovered to be cared for by his friends, or that his mental condition is due to senility, and his conduct is recorded as quiet and harmless, and that he is a proper subject for care in a house of

refuge, the Inspector may order such patient to be removed to a house of refuge in the county from which he was originally admitted and the board of management and superintendent of such house of refuge shall admit such patient to the house of refuge and maintain him therein. *New.*

17.—(1) Every Inspector shall make to the Minister a written report of every inspection of any institution visited by him. R.S.O. 1897, c. 321, s. 20. Report of Inspector to be sent to the Minister.

(2) A copy of the report shall be transmitted by the Inspector to the superintendent or other head of the institution to which it relates. *New.* And a copy to the Superintendent.

18. Every Inspector shall, as soon as may be after the 31st day of October in every year, make to the Minister a full and accurate report on every institution inspected by him during the preceding year, together with such suggestions for the improvement of the same as he may deem necessary or expedient; and such report shall include the following particulars:— General Annual Report. Suggestions for improvements. Particulars.

(a) as to a prison or reformatory:—

Prison or reformatory.

- i. a copy of the warden's or superintendent's report to the Inspector;
- ii. copies of the chaplain's reports to the Inspector;
- iii. a copy of the surgeon's annual report;
- iv. a return of the names, ages, country, calling and offences of the prisoners received during the year, and the county or district from which each came;
- v. a return of the names, ages, callings and offences of the prisoners who died in the prison or reformatory during the year, and the county or district from which each came;
- vi. a similar return of the prisoners liberated during the year on parole or upon the expiration of the term for which they were sentenced;
- vii. a similar return of the prisoners who were pardoned during the year;
- viii. a tabular statement showing the number of prisoners at the date to which the last previous annual report was made up, the number received during the year, the number discharged, the number then in confinement, and the average number during the year.

- ix. a balance sheet of the financial affairs of the institution at the 31st day of October of the year reported upon;
- x. a balance sheet for the past year, showing the sum on hand on the 31st day of October, the money received during the year from the Province towards the maintenance of the prison, or reformatory, the amount received for prison labour, and also on all other accounts during the year, showing separately the sums paid for food, bedding, clothing and hospital stores for the prisoners, salaries of officers, fuel and light, the erection of new buildings and repairs, the support of the stable, and all other items of expenditure, and the cash on hand at the close of the year;
- xi. a statement of all debts due by the institution, showing the names of the persons to whom each sum is due, also showing the debts, if any, due to the institution, with the amount and nature of each debt;
- xii. an inventory of all the property, estate and effects of the institution;
- xiii. an estimate of the receipts and expenditures for the current year;
- xiv. a statement showing in what manner the prisoners were employed on the 31st day of October of the year reported on, and the average number at each trade or occupation during the year;
- xv. such other particulars as may be required by the Regulations or by the Minister;
- xvi. a tabulated statement from each gaol showing the number of persons committed, the crimes and offences for which they were committed and such particulars in regard to gaol expenditures and other matters relating to the gaol as the Minister may require. R.S.O. 1897, c. 321, s. 21. *Amended.*

Insane and
Epileptics.

(b) as to the Provincial Hospitals for the Insane and the Hospital for Epileptics:

- i. the superintendent's report to the Inspector;
R.S.O. 1897, c. 321, s. 15, *amended.*

- ii. statistical tables indicating the number of patients under treatment, together with such other particulars as may furnish information regarding the care and treatment of patients, or as the Minister may require.

(c) as to every public and private hospital, refuge, orphanage and infants' home;

Public and private hospital, refuge, orphanage, infants' home.

- i. the last annual return for each institution made under *The Hospitals and Charitable Institutions Act*;

- ii. statistical tables indicating for comparison the expenditures under the different headings for maintenance, and indicating the daily per capita cost;

- iii. tables showing the amount contributed towards the support of each institution by:

(a) private benefactors;

(b) municipal corporations;

(c) the Government. *New.*

19. The provisions of this Act as to the inspection of gaols and the provisions of *The Gaols Act* as to their construction and repair shall, so far as may be, apply to court houses. R.S.O. 1897, c. 321, s. 26. *Amended.*

Court houses.

20. The Minister may authorize such person as he thinks fit, to perform, under the supervision of an Inspector or otherwise as the Minister may direct, any of the duties of an Inspector, and in the performance of the duties such person may exercise the like powers and authorities as are possessed by the Inspector. R.S.O. 1897, c. 321, s. 27.

Assistance to Inspectors.

21. All actions and prosecutions against any person for anything done in pursuance of this Act, shall be commenced within six months after the fact committed, and not afterwards. R.S.O. 1897, c. 321, s. 28. *Amended.*

Limitation of actions.

22. Chapter 321 of the Revised Statutes of Ontario, 1897, and chapter 38 of the Acts passed in the second session of the sixty-second year of the reign of Her late Majesty Queen Victoria are repealed.

Repeal.

CHAPTER 296. R.S.O. 1914.

An Act respecting Private Sanitaria for
Mental Diseases.

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|---|---|
| SHORT TITLE, s. 1. | MEDICAL ATTENDANCE, ss. 40-42. |
| INTERPRETATION, s. 2. | INSPECTION BY BOARD OF VISITORS AND INSPECTOR, ss. 43-47. |
| LICENSE HOW OBTAINED, ss. 3-8. | DISCHARGE OF PATIENTS, ss. 48-50. |
| BOARD OF VISITORS, ss. 9-15. | INFORMATION TO BE GIVEN ON IN- QUIRY, s. 51. |
| REMOVAL OF SUPERINTENDENT, s. 16. | ORDERS FOR ADMISSION, s. 52. |
| FEES FOR LICENSES, ss. 17-19. | MISCELLANEOUS PROVISIONS, ss. 53-61. |
| ALTERATION OF LICENSED PREM- ISES, ss. 20, 21. | ADMISSION OF ALCOHOLIC HABITU- ATES, ss. 62-70. |
| TRANSFER OF LICENSE, ss. 22, 23. | APPLICATION OF ss. 8 and 9 of <i>The Prisons and Public Charities Inspection Act</i> , s. 71. |
| REMOVAL TO OTHER PREMISES, s. 24. | REPEAL, 72. |
| ADMISSION OF PATIENTS, ss. 25-35. | |
| PROCEDURE IN CASE OF ESCAPE, s. 36. | |
| PROCEDURE IN CASE OF REMOVAL, OR DISCHARGE, ss. 37-39. | |

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. This Act may be cited as *The Private Sanitarium Act*. Short title

2. In this Act

Interpreta-
tion.

(a) "Board" shall mean Board of Visitors;

"Board."

(b) "Drug habituate" shall mean a person who habit-
ually uses any poisonous or narcotic drug or other
substance in such quantities or so frequently as
to endanger his health or reason;

"Drug
habituate."

- "Inspector." (c) "Inspector" shall mean the Inspector designated by the Minister to inspect Hospitals and Public Charities under *The Prisons and Public Charities Inspection Act*; to whom is assigned the duty of inspecting institutions subject to this Act;
- 3-4 Geo. V.
c. 88.
- "Intoxicating liquor." (d) "Intoxicating liquor" shall have the meaning given to it by *The Liquor License Act*;
- "Minister." (e) "Minister" shall mean the member of the Executive Council charged for the time being with the administration of this Act;
- "Proprietor." (f) "Proprietor" shall mean every person or corporation to whom a license is granted under the provisions of this Act, and every person or corporation keeping, owning or having any interest or exercising any duties or powers of a proprietor in a sanitarium;
- "Sanitarium." (g) "Sanitarium" shall mean an institution for the care and treatment of mental and nervous diseases licensed under the provisions of this Act; R.S.O. 1897, c. 318, s. 1. *Amended.*

LICENSE, HOW OBTAINED, ETC.

- Notice of application for license. 3. When the proprietor of a sanitarium desires to obtain a license for such sanitarium under the provisions of this Act, he shall give notice thereof to the Minister. R.S.O. 1897, c. 318, s. 2. *Amended.*
- Contents of notice. 4. The notice shall contain the Christian name and surname, place of abode, and occupation of the proprietor, unless such proprietor is a corporation, when the name and chief place of business of the corporation shall be given, and a true and full description of such proprietor's estate or interest in such house; and if the proprietor to whom the license is desired to be granted does not propose to reside himself in the licensed house, the notice shall contain the Christian name and surname, place of abode and occupation of the superintendent who is to reside therein. R.S.O. 1897, c. 318, s. 3.
- Plan of the house, etc. 5. The notice shall be accompanied by a plan of the house, drawn upon a scale of not less than one-eighth of an inch to a foot, with a statement shewing
- Its situation. (a) the situation thereof;

(b) the length, breadth and height of, and a reference ^{Size of room.} by a figure or letter, to every room and apartment therein;

(c) the quantity of land, not covered by any building, ^{Extent of grounds.} annexed to such house, and appropriated to the exclusive use, exercise and recreation of the patients proposed to be received therein;

(d) the number of patients, proposed to be received ^{Number of patients provided for.} into such institution, and whether the license so applied for is for the reception of male or female patients, or of both, and if for the reception of both, the number of each sex proposed to be received in such institution, and the means by which the one sex may be kept separate and apart from the other. R.S.O. 1897, c. 318, s. 4;

(e) the sanitary arrangements, ventilation, heating ^{Sanitary regulations, etc.} and water supply, and the fire escapes and the facilities provided for use in case of fire, and the means for preventing fires. *New.*

6.—(1) The notice, with the plan and statements re- ^{Time notice to be sent to inspector.} quired by the next preceding section, shall be sent to the Inspector at least two weeks before the reception of patients.

(2) The Inspector shall thereupon visit the proposed ^{Inspector to report.} Sanitarium and inspect the same, and report thereon to the Lieutenant-Governor in Council. R.S.O. 1897, c. 318, s. 5.

7. If the Inspector reports that the buildings and premises ^{License to proprietors.} are ready and fit for occupation as a sanitarium, the Lieutenant-Governor in Council may issue a license to the proprietor to keep and maintain the same for the purposes of a sanitarium and receive therein the number of patients named in the Inspector's report, and such license shall continue in force until revoked by the Lieutenant-Governor in Council on the report of the Inspector. R.S.O. 1897, c. 318, s. 6. *Amended.*

8. No such license shall be granted unless the proprietor ^{Security by licensee.} gives security to His Majesty in the sum of \$1,000, under the usual conditions for the good behaviour of such proprietor during the time for which the license continues in force. R.S.O. 1897, c. 318, s. 7. *Amended.*

BOARD OF VISITORS.

9.—(1) Every sanitarium shall be under the supervision ^{Board of Visitors.} and inspection of a board of visitors, composed of the judge,

or in the case of his absence or disqualification a junior or deputy judge of the county or district court, the clerk of the peace and the sheriff of the county or district in which the sanitarium is situate, together with two legally qualified medical practitioners appointed by the Lieutenant-Governor in Council, who shall hold office for three years unless sooner removed by him.

Chairman.
and secre-
tary.

(2) The judge shall be the chairman, and the clerk of the peace shall be the secretary of the Board.

Allowance
to mem-
bers.

(3) The members of the Board shall be paid by the proprietor such allowance for their services as the Lieutenant-Governor in Council may direct. R.S.O. 1897, c. 318, s. 8. *Amended.*

Visitors
not to have
a pecuniary
interest in
any sani-
tarium.

10.—(1) No member of the Board shall be pecuniarily interested in any sanitarium, either directly or indirectly, and any member who, after his appointment, becomes interested in any sanitarium either as proprietor or part owner, or by the sale of merchandise to such a sanitarium, or in any other way, shall thereupon become disqualified from acting, and shall not thereafter act in such capacity.

Appoint-
ment in case
of disquali-
fication.

(2) If a member of the Board is or becomes so disqualified, the Lieutenant-Governor in Council may appoint some one to act in his stead. R.S.O. 1897, c. 318, s. 9. *Amended.*

Oath of
visitors.

11.—(1) The visitors shall, before acting, take and subscribe the following oath:

"I, A. B., do swear that I will discreetly, impartially and faithfully execute all the trusts and powers committed to me by virtue of *The Private Sanitarium Act*, and that I will keep secret all such matters as come to my knowledge in the execution of my office, except when required to divulge the same by legal authority, or so far as I feel myself called upon to do so for the better execution of the duty imposed upon me by the said Act."

Oath to be
filed.

(2) The oaths shall be filed in the office of the Clerk of the Peace. R.S.O. 1897, c. 310, s. 10. *Amended.*

Meeting of
Visitors.

12. The secretary shall summon the Board to meet for the purpose of executing their duties under this Act. R.S.O. 1897, c. 318, s. 11.

Visitors'
meetings to
be private.

13. Every such summons and meeting shall be made and held as privately as possible, and in such manner that no proprietor, superintendent or person interested in or employed about or connected with the sanitarium to be visited, shall know of such intended visitation. R.S.O. 1897, c. 318, s. 12.

Assistant
secretary.

14.—(1) If the secretary at any time desires to employ an assistant in the execution of the duties of his office, he

shall certify such desire, and the name of the proposed assistant to the chairman of the Board, and if such assistant is approved of, the chairman shall administer the following oath to such assistant:

"I, A. B., do swear that I will faithfully keep secret all such matters and things as come to my knowledge in consequence of my employment as assistant to the Secretary of the Board of Visitors, appointed for the county or district of _____ by virtue of *The Private Sanitarium Act*, unless required to divulge the same by legal authority: So help me God."

(2) The secretary may thereafter, at his own cost, employ such assistant. R.S.O. 1897, c. 318, s. 13. *Amended.* ^{At whose cost.}

15.—(1) No medical practitioner who is a member of the Board shall sign any certificate for the admission of any patient into any sanitarium, or shall professionally attend upon any patient therein, unless he is directed to visit such patient by the person upon whose order such patient has been received into the sanitarium, or by the Minister or by one of the Judges of the Supreme Court or by some person appointed by one of such Judges for that purpose. R.S.O. 1897, c. 318, s. 14. *Amended.* ^{Restrictions upon physicians who are visitors.}

(2) For every contravention of subsection 1 the medical practitioner shall incur a penalty of \$200. R.S.O. 1897, c. 318, s. 15. ^{Penalty.}

REMOVAL OF SUPERINTENDENT.

16. A proprietor may remove the superintendent named in the notice, and may at any time appoint another superintendent, upon giving to the Board a notice containing the Christian name and surname, place of abode and occupation of the new superintendent. R.S.O. 1897, c. 318, s. 16. ^{Removal of Superintendent.}

FEES FOR LICENSES.

17. For every license there shall be paid to the clerk of the peace for the county or district in which the sanitarium is located, for every patient proposed to be received therein, the sum of \$5; and if the total amount so payable does not amount to \$200, so much more as together therewith will make up the sum of \$200, and no such license shall be delivered until the sum payable for the same has been paid. R.S.O. 1897, c. 318, s. 17. *Amended.* ^{Fees.}

18. All money received for licenses granted under this Act shall be applied towards the payment of the allowance to the secretary for his services and the discharge of the ^{Application of fees.}

costs, charges and expenses incurred by or under the authority of the Board, in the execution of or by virtue of this Act. R.S.O. 1897, c. 318, s. 18.

Clerk of the Peace to keep accounts of moneys received or expended.

19. The clerk of the peace shall keep an account of all money received and paid by him under this Act, and such accounts shall be made up to the last day of December in each year inclusively, and shall be signed by two at least of the members of the Board and forwarded to the Minister. R.S.O. 1897, c. 318, s. 19.

ADDITIONS AND ALTERATIONS TO LICENSED PREMISES.

To what premises license may extend.

20. No one license shall include or extend to more than one sanitarium; but if there is any place or building detached from the sanitarium, but not separated from it by ground belonging to any other person, and if such place or building is specified, delineated and described in the prescribed notice, plan and statement, in the same manner in all particulars as if the same had formed part of such sanitarium, then such detached place or building, if the Lieutenant-Governor in Council thinks fit, may be included in the license for the sanitarium, and if so included, shall be considered part of such sanitarium for the purposes of this Act. R.S.O. 1897, c. 318, s. 20.

Alterations in sanitarium

21. No addition or alteration shall be made to, in or about any sanitarium, or the appurtenances, unless previous notice in writing of the proposed addition or alteration, accompanied with a plan thereof, drawn upon the prescribed scale, and accompanied by the prescribed statement, has been given to the Inspector by the proprietor, nor unless the approval of the Lieutenant-Governor in Council has been previously obtained. R.S.O. 1897, c. 318, s. 21.

TRANSFERS AND REMOVALS.

When license transferable

22. If a proprietor becomes incapable of keeping the sanitarium or dies before the expiration of the license, the Lieutenant-Governor in Council may authorize the transfer of the license, for the term then unexpired, to the person who at the time of such incapacity or death was the superintendent of such house, or had the care of the patients therein, or to such other person as the Lieutenant-Governor in Council may approve; and in the meantime the license shall remain in force, and have the same effect as if granted to the superintendent. R.S.O. 1897, c. 318, s. 22.

Survivorship.

23. If a license has been granted to two or more persons, and one or more of such persons die, leaving the other or others surviving, the license shall remain in force and have

the same effect as if granted to the survivor or survivors.
R.S.O. 1897, c. 318, s. 23.

24.—(1) If a sanitarium is pulled down or becomes unfit ^{Removal} for the accommodation of patients, or if the proprietor de- ^{to other} sires to transfer the patients to another building, the Lieu- ^{premises.} tenant-Governor in Council may grant to him a license to keep such other building for the reception of patients for such time as the Lieutenant-Governor in Council thinks fit; but the like notice of such intended change, and the like plans and statements of and as to such intended new building shall be given as are required when application is first made for a license for a sanitarium, and shall be accompanied by a statement in writing of the cause of the change.

(2) A fee of \$25 shall be payable by the licensee to the ^{Fee for} Clerk of the Peace upon the issue of the license. R.S.O. ^{license for} 1897, c. 318, s. 24. *Amended.* ^{transfer.}

(3) Except where the change is occasioned by fire or ^{Notice of} tempest, seven clear days' previous notice of the intended ^{intended} removal shall be sent by the proprietor to the person who ^{removal.} signed the requisition for the reception of each patient, or the person by whom the last payment on account of each patient had been made. R.S.O. 1897, c. 318, s. 25.

ADMISSION OF PATIENTS.

25.—(1) Subject to the provisions and exceptions herein- ^{Orders for} after made no person, whether he is or is represented to be ^{admission} mentally diseased, or only a boarder or lodger in respect of ^{of patient.} whom any money is paid or agreed to be paid for board, lodging or any other accommodation, shall be received into or detained in any sanitarium, without a requisition under the hand of some person according to and stating the particulars mentioned in Form 1, nor without separate certificates, ac- ^{Medical cer-} cording to Form 2, of two legally qualified medical prac- ^{tificates.} titioners not being partners or brothers, or father and son, each of whom separately from the other has personally examined the person to whom the certificates relate not more than fifteen clear days previous to the reception of such person into such sanitarium, and each of whom has signed and dated the certificate on the day on which such person was so examined. R.S.O. 1897, c. 318, s. 29.

(2) Every medical practitioner who signs a certificate ^{Facts to} shall state therein that he has personally examined the person ^{be certified.} to whom the certificate relates, and that from such examina-

tion and from the evidence adduced before him, he is of opinion that such person is mentally diseased, and a proper person to be confined in a sanitarium for mental diseases; and shall also state the facts and evidence adduced before him which led to such opinion; and he shall therein distinguish the facts observed by himself from facts communicated to him by others. R.S.O. 1897, c. 318, s. 30.

Patients
from other
countries.

26.—(1) The superintendent of a sanitarium may admit to and detain in it any person domiciled out of Ontario who is certified to be mentally diseased by two duly qualified medical practitioners of the place out of Ontario in which such person has his domicile, if certificates are made *mutatis mutandis* according to Form 2, but any person domiciled out of Ontario so admitted and detained in a sanitarium shall, within fifteen days of such admission, be examined by one legally qualified medical practitioner of Ontario, who shall certify according to Form 2. R.S.O. 1897, c. 318, s. 31. *Amended.*

Effect of
medical
certificates.

(2) The certificates shall be a sufficient authority to any person to convey the patient to the sanitarium, and to the superintendent thereof to detain him therein, or to the superintendent of any hospital for the insane to which the patient may afterwards be transferred by the order of the Inspector, to receive such patient in such hospital and to detain him therein as long as he continues to be mentally diseased. *New.*

When certi-
ficate of one
physician
sufficient.

27. Any person may, under special circumstances, be received into the sanitarium upon a requisition accompanied by the certificate of one legally qualified medical practitioner if the requisition states special circumstances which prevented the person from being examined by two duly qualified medical practitioners; but in every such case another certificate shall be signed by some other legally qualified medical practitioner, not connected with any sanitarium, who has specially examined such person within three days after his reception into such sanitarium. R.S.O. 1897, c. 318, s. 34.

Restric-
tions upon
unlicensed
houses.

28. Subject to the provisions and exceptions hereinafter made, no person shall receive to board and lodge in any building not licensed under this Act, or take the charge or care of more than two mentally diseased persons at the same time. R.S.O. 1897, c. 318, s. 32. *Amended.*

Notice to
the In-
spector.

29. Every person who receives to board or lodge in a building not licensed under this Act, or takes the care or charge of a person mentally diseased, shall within one month next after receiving such person into his house, or under his care, notify the Inspector thereof. R.S.O. 1897, c. 318, s. 33. *Amended.*

30. No medical practitioner who, or whose father, brother, son or partner, is wholly or partly the proprietor of or a regular professional attendant in a sanitarium, shall sign any certificate for the reception therein of a patient; and no medical practitioner, who, or whose father, brother, son or partner, signs the prescribed requisition for the reception of a patient, shall sign any certificate for the reception of the same patient. R.S.O. 1897, c. 318, s. 35.

When physician not allowed to certify.

31.—(1) Any medical practitioner who, maliciously, or corruptly, signs any false certificate for the purpose of procuring the confinement of any sane person in a sanitarium shall, upon judgment being given against him in an action for damages on account of such malicious or corrupt act, *ipso facto* be incapacitated from practising in Ontario for the period of five years thereafter.

Penalty on physician giving false certificate maliciously.

(2) The name of such medical practitioner shall upon production of a certified copy of the judgment to the registrar of the College of Physicians and Surgeons of Ontario, be removed from the register. R.S.O. 1897, c. 318, s. 36.

Amended.

Removal from register.

32.—(1) The superintendent of a sanitarium upon the written application of any person who is desirous of submitting himself for treatment of any nervous or physical ailment, may receive and detain him therein upon the certificate of one legally qualified medical practitioner, that such person is afflicted with any such ailment, and that there is a danger such ailment will develop into mental derangement unless it is properly treated.

Admission of voluntary patient.

(2) No person so admitted shall be detained more than three days after he has given notice in writing to the superintendent of his desire to leave the sanitarium. R.S.O. 1897, c. 318, s. 37.

Discharge.

(3) The superintendent shall give immediate notice of the reception of such person to the secretary of the Board, stating all the particulars of the case; and one or more members of the Board or the secretary shall forthwith visit such patient in order to verify the fact of his having been admitted voluntarily; and all the facts in connection with the case shall be forthwith recorded in the visitors' book by the person making the inquiry. R.S.O. 1897, c. 318, s. 38.

Notice of admission to board of visitors.

Visit by the board.

Record of visit.

33.—(1) Every proprietor or superintendent who receives a patient into a sanitarium, shall, within two days after his reception, make an entry with respect to him in a book to be kept for that purpose, to be called "Register of

Books to be kept and entries made therein.

Patients," according to the form and containing the particulars mentioned in Form 3, so far as he can ascertain the same, and when a patient is discharged or dies an entry of the fact shall be made in the appropriate column.

Penalty. (2) Every person who contravenes subsection 1, shall incur a penalty not exceeding \$10. R.S.O. 1897, c. 318, s. 39.

Record of. **34.** The form of the mental disorder, if any, of every patient received into a sanitarium, shall, within seven days after his reception, be entered in the clinical records by the medical attendant, and every medical attendant who omits to make such entry shall, for every such omission, incur a penalty not exceeding \$10. R.S.O. 1897, c. 318, s. 40.

Copy of order for Visitors. **35.** The proprietor or superintendent of every sanitarium shall, after two clear days, and before the expiration of seven clear days from the day on which any patient has been received into the sanitarium, transmit to the secretary of the Board, a copy of the requisition and medical certificates or certificate on which the patient was received, and also a notice and statement according to Form 4. R.S.O. 1897, c. 318, s. 41.

PROCEDURE IN CASE OF ESCAPE.

Escape. **36.—(1)** Where a patient has escaped from a sanitarium, the proprietor or superintendent shall, within two clear days next after the escape, transmit written notice thereof to the **Notice.** Inspector and to the secretary of the Board.

Contents of notice. (2) The notice shall state the Christian name and surname of the patient, and his then state of mind, and the circumstances connected with the escape. R.S.O. 1897, c. 318, s. 42 (1), (2). *Amended.*

Capture. (3) The patient may be retaken at any time within one month after his escape and brought back to and detained in the sanitarium. R.S.O. 1897, c. 318, s. 76, *part, amended.*

Notice of capture. (4) If the patient is brought back, the proprietor or superintendent shall within two clear days thereafter, transmit written notice thereof to the Inspector and the secretary.

Contents. (5) The notice shall state when the patient was so brought back, and under what circumstances, and whether with or without a fresh requisition and certificate.

Penalty. (6) Every proprietor or superintendent who omits to transmit such notice, whether of escape or of return, shall, for every such omission, incur a penalty not exceeding \$50. R.S.O. 1897, c. 318, s. 42. *Amended.*

REMOVAL, DISCHARGE, DEATH, ETC.

37. Where a patient is removed or discharged from a sanitarium or dies therein, the proprietor or superintendent shall, within two clear days next after such removal, discharge or death, make an entry thereof in a book to be kept for that purpose, according to Form 5, and stating the particulars in Form 5, and shall also within the same period transmit written notice thereof, Form 6, and also of the cause of the removal, discharge or death, if known, to the Inspector and to the secretary of the Board. R.S.O. 1897, c. 318, s. 43.

Entry or removal, discharge, etc.
Notice.

38.—(1) Where a patient dies in a sanitarium, a statement of the cause of death, with the name of any person present at the death, shall be forthwith drawn up and signed by the superintendent of the sanitarium, and a copy thereof, duly certified by the proprietor or superintendent shall, within forty-eight hours after the death of the patient, be transmitted by him to the nearest coroner, and to the Inspector and to the secretary of the Board, and also to the person who signed the requisition for the patient's admission or, if he is dead or absent from Ontario, to the person who made the last payment on account of the patient.

Certificate required in case of death.

(2) Every person who contravenes subsection 1 shall incur a penalty not exceeding \$200. R.S.O. 1897, c. 318, s. 44.
Amended.

Penalty.

39. Where a person discharged from a sanitarium considers himself to have been unjustly detained therein, the secretary of the Board shall, at his request, furnish to him or to his solicitor, without fee or reward, a copy of the certificates and requisition upon which he was admitted or detained. R.S.O. 1897, c. 318, s. 45, *part*.

Rights of discharged patient.

MEDICAL ATTENDANCE.

40.—(1) In every sanitarium licensed for one hundred patients or more, there shall be a legally qualified resident medical practitioner as superintendent or medical attendant thereof and one legally qualified medical practitioner for each thirty patients over the first thirty in residence; and in every such sanitarium licensed for less than one hundred, and more than fifty patients there shall be one legally qualified medical practitioner for each thirty patients in residence; and every sanitarium licensed for less than fifty patients, if it is not kept by, or has not a resident legally qualified medical practitioner, shall be visited by one twice in every week; but the Board or the Inspector may direct that such last men-

Staff of medical attendants.

tioned sanitarium shall be visited by a legally qualified medical practitioner at any other time or times, not oftener than once in every day. R.S.O. 1897, c. 318, s. 46. *Amended.*

When less
than
eleven
patients.

(2) Where a sanitarium is licensed to receive less than eleven patients, any two members of the Board may, by writing under their hands, permit the sanitarium to be visited by a physician at such intervals more distant than twice every week, as such visitors appoint, but not at a greater interval than once in every two weeks. R.S.O. 1897, c. 318, s. 47.

[Section 48 is omitted as unnecessary.]

"The
Clinical
Record."

41.—(1) There shall be kept in every sanitarium a record to be called "The Clinical Record" in which the physician keeping or residing in or visiting such sanitarium shall make or cause to be made entries at least every week of the mental state and bodily condition of each patient, and a correct statement of the treatment pursued.

Copies.

(2) The Inspector or the Board may, whenever they see fit, by an order in writing, require the superintendent to transmit to him or them a correct copy of the entries or entry in the clinical record, relative to the case of any patient who is or has been detained in the sanitarium.

Penalty.

(3) Every person who contravenes any of the provisions of subsection 1 or subsection 2 shall incur a penalty not exceeding \$40. R.S.O. 1897, c. 318, s. 49.

Forms and
regulations.

42. There shall also be kept and observed such forms and regulations as the Inspector shall from time to time direct for the further purpose of recording clinical particulars regarding patients' mental and physical condition and reporting particulars regarding the estates of patients. *New.*

INSPECTION OF SANITARIUM.

Inspection
and visita-
tion.

43. Every sanitarium shall be visited and inspected,—

Inspection
by
Visitors.

(a) by two at least of the members of the Board, one of whom shall be a legally qualified medical practitioner, four times at the least in every year; R.S.O. 1897, c. 318, s. 50.

By Inspec-
tor.

(b) at least once in every year by the Inspector, who shall prepare and forward a full report of his visit of inspection to the Minister. *New.*

44.—(1) The visitors and Inspector, when visiting any such sanitarium, shall inspect every part of it, and every house, out-house, place and building communicating with it, or detached from it, but not separated by ground belonging to another person, and every part of the ground and appurtenances held, used or occupied therewith, and shall see every patient then detained therein, and shall inquire whether any patient is under restraint, and why, and shall inspect the order and certificates or certificate for the reception and detention of every patient who has been received into the sanitarium since the last visit, and shall enter in the visitors' book a minute as to

Duties of
in making
visits.

- (a) the then condition of the sanitarium, its furniture, furnishings and surroundings;
- (b) the appearance of the patients, particularly noting if there are any marks of violence;
- (c) the condition of the beds and bedding;
- (d) whether the dietary is suitable and the food service satisfactory;
- (e) whether the staff is sufficient;
- (f) the number of patients under restraint or in seclusion with the reasons stated therefor;
- (g) any irregularity in the order or certificate;
- (h) whether the previous suggestions, if any, of the Inspector or visitors, have been attended to; and
- (i) any matter as to which they deem it proper to make observations. R.S.O. 1897, c. 318, s. 51. *Amended.*

(2) The proprietor or superintendent shall shew to the visitors or Inspector every part of the sanitarium, and every person detained therein as a patient. R.S.O. 1897, c. 318, s. 52. *Amended.*

Duties of
proprietor
or superin-
tendent to-
wards the
visitors.

(3) The visitors and Inspector shall inquire,

Inquiries
to be made
by the
visitors.

- (a) whether divine service is held therein, for what number of patients, and the effect thereof;
- (b) what occupations or amusements are provided for the patients, and the result thereof;

- (c) whether there has been adopted any system of non-restraint, and if so, the result thereof;
- (d) as to the classification of patients;
- (e) whether there is any patient who should be discharged;
- (f) whether the building, its furniture and furnishings are suitable;
- (g) whether the nurses engaged in caring for the patients are properly trained for the work in which they are engaged, and how many trained graduate nurses are employed; and
- (h) as to any other matter as to which it may be proper to enquire in order to ascertain whether the sanitarium is properly conducted. R.S.O. 1897, c. 318, s. 53. *Amended.*

What information to be laid before the Visitors.

(4) Upon every visit there shall be laid before the visitors or the Inspector by the proprietor or superintendent

- (a) a list of all the patients then in the sanitarium, distinguishing males from females, and specifying such as are deemed curable;
- (b) the books and records required to be kept by the proprietor or superintendent, and by a medical attendant;
- (c) all requisitions and certificates relating to patients admitted since the last visit;
- (d) the license then in force;
- (e) all such other requisitions, certificates, documents and papers relating to any of the patients at any time received into the sanitarium as the visitors or Inspector from time to time require to be produced. R.S.O. 1897, c. 318, s. 54.

Plan and "Visitors' Book" to be kept.

45. There shall be hung up in some conspicuous part of every sanitarium a copy of the plan sent to the Inspector on applying for the license, and there shall be kept in every such sanitarium a copy of this Act, bound in a book, to be called "The Visitors' Book." R.S.O. 1897, c. 318, s. 55. *Amended.*

46.—(1) The proprietor or superintendent of every sanitarium shall, within three days after every visit by the visitors, transmit to the Inspector and the secretary of the Board a true copy of the entries made by them in "The Visitors' Book." Copies of certain entries.

(2) The proprietor or superintendent of every sanitarium shall, on the last day of each month report to the Inspector the name of each patient admitted during that month, and transmit copies of the certificates and papers upon which each such patient was admitted, and shall at any and all times furnish to the Inspector such other reports and information relative to any patient as may be required by him. Monthly report to Inspector.
R.S.O. 1897, c. 318, s. 56. *Amended.*

(3) Every person who contravenes any of the provisions of subsections 1 and 2, shall incur a penalty not exceeding \$40. Penalty for omission.
R.S.O. 1897, c. 318, s. 57.

47. The Inspector or any two or more members of the Board may visit and inspect a sanitarium within their jurisdiction at any hour of the day or night. Visits.
R.S.O. 1897, c. 318, s. 58. *Amended.*

DISCHARGE OF PATIENTS.

48.—(1) Subject to subsection 3, where the person who signed the requisition on which a patient was received into a sanitarium, by writing under his hand, directs the patient to be removed or discharged, such patient shall forthwith be removed or discharged accordingly. Order for discharge.
R.S.O. 1897, c. 318, s. 59. *Amended.*

(2) Subject to subsection 3, if the person who signed the requisition is incapable of giving an order for the discharge or removal of the patient, or if he is absent from Ontario or is dead, the husband or wife of the patient, or if there is no husband or wife, the father of the patient, or if there is no father, the mother of the patient, or if there is no mother, then any one of the nearest of kin for the time being of the patient, or the person who made the last payment on account of the patient, may, by writing under his or her hand, give such direction for the discharge or removal of the patient, and thereupon the patient shall be forthwith discharged or removed accordingly. Disability of person who signed the requisition for admission.
R.S.O. 1897, c. 318, s. 60. *Amended.*

(3) No patient shall be discharged or removed, if the superintendent or attending physician, by writing under his hand, certifies that in his opinion the patient is dangerous and unfit to be at large, together with the grounds on which What to be done if the physician in charge objects.

such opinion is founded, unless the Inspector, after such certificate has been produced to him, gives his consent in writing, to the discharge or removal of the patient. R.S.O. 1897, c. 318, s. 61. *Amended.*

Transfer
to another
sanitarium
or to a hos-
pital for
the insane.

49. Nothing herein shall prevent a patient from being transferred from one sanitarium to another, or to a hospital for the insane, but in such case the patient shall, for the purpose of such removal, be placed under the control of an attendant belonging to the sanitarium to or from which he is about to be removed, and shall remain under such control until the removal has been effected. R.S.O. 1897, c. 318, s. 62.

Discharge
of patients
by order of
Inspector or
visitors.

50.—(1) The Inspector or any two or more members of the Board, one of whom is a legally qualified medical practitioner, may make special visits to any patient, on such days and at such hours as they think fit; and if after two distinct and separate visits made by the same visitors or Inspector it appears that the patient is detained without sufficient cause, such visitors or the Inspector may order his discharge and the patient shall be discharged accordingly. R.S.O. 1897, c. 318, s. 63. *Amended.*

Prerequi-
sites.

(2) Every such order shall be signed by such visitors or Inspector, and the discharge of a patient shall not be ordered until after a conference with the superintendent or an attending medical practitioner, respecting the fitness of the patient to be discharged. R.S.O. 1897, c. 318, s. 64. *Amended.*

Objections
of physician
in charge
to be re-
corded.

(3) If the visitors or Inspector, after such conference, discharge a patient, and the superintendent or medical practitioner has furnished them with a statement in writing, containing his reasons against the discharge, they or he shall forthwith transmit such statement to the secretary of the Board, who shall enter and register it in a book to be kept for that purpose. R.S.O. 1897, c. 318, s. 65. *Amended.*

Time to
intervene
between
special
visits, etc.

(4) Not less than seven days shall intervene between the first and second of such special visits, and the Board or Inspector shall, seven days before the second of such visits, give notice thereof, either by post, or by an entry in "The Visitors' Book," to the proprietor or superintendent of the sanitarium, and the proprietor or superintendent shall, forthwith, if possible, transmit by registered post a copy of the notice to the person by whose authority the patient was admitted, or by whom the last payment on account of such patient was made. R.S.O. 1897, c. 318, s. 66. *Amended.*

(5) None of the powers of discharge shall extend to a patient confined under an order or the authority of the Lieutenant-Governor, or under the order of any court of criminal jurisdiction. R.S.O. 1897, c. 318, s. 67.

ORDER FOR INFORMATION.

51. If a person applies to a member of the Board or to the Inspector to be informed whether any particular person is detained in a sanitarium, the member or Inspector may give a direction so to do to the secretary of the Board who shall on the receipt of such direction make search amongst the returns made to him in pursuance of this Act, whether the person inquired for is, or, within the then last twelve months, has been detained in any sanitarium under the jurisdiction of the Board; and if it appears that such person is or has been so detained, the secretary shall deliver to the person applying a statement in writing specifying:—

- (a) the name and location of the sanitarium in which the person appears to be or to have been detained;
- (b) the name of the proprietor or superintendent thereof;
- (c) the date of admission of such person; and
- (d) in case of his having been removed or discharged, the date of his removal or discharge. R.S.O. 1897, c. 318, s. 68. *Amended.*

ORDERS FOR ADMISSION.

52.—(1) Any member of the Board or the Inspector may, at any time, give an order in writing under his hand for the admission to any patient detained in a sanitarium of any relation or friend of such patient or of any person whom any relation or friend of the patient desires to be admitted to him. R.S.O. 1897, c. 318, s. 69.

(2) The order may be either for a single admission, or for an admission for any limited number of times or for admission generally at all reasonable times. R.S.O. 1897, c. 318, s. 70. *Amended.*

(3) If the proprietor or superintendent refuses admission to, or prevents or obstructs the admission to any patient,

What patients the visitors cannot discharge.

Information respecting individuals detained in sanitarium.

Visits of relatives or friends.

Extent.

Penalty for refusing admission.

of a person who produces such an order for his admission, he shall incur a penalty not exceeding \$80. R.S.O. 1897, c. 318, s. 71.

MISCELLANEOUS PROVISIONS.

Medical
superintend-
ent may give
patient into
custody of
his friends.

53.—(1) If the superintendent of a sanitarium considers it conducive to the recovery of any patient that he should be entrusted for a time to the care of his friends, the superintendent may allow such patient to return on trial to his friends, upon receiving a written undertaking by one or more of them, that he or they will keep an oversight over such patient. R.S.O. 1897, c. 318, s. 72.

Recommittal
to sani-
tarium.

(2) If within six months thereafter the patient becomes dangerous or unfit to be at large, the medical superintendent with the consent of the Inspector or one of the visitors, to be indorsed on the warrant, may by his warrant directed to any person or to any constable or peace officer, or to all constables or peace officers, authorize and direct that such patient be apprehended and brought back to the sanitarium, and the warrant so indorsed shall be an authority to any one acting under it to apprehend the person named in it, and to bring him back to the sanitarium. R.S.O. 1897, c. 318, s. 73.

Excursions
for benefit of
health.

54. The proprietor or superintendent of a sanitarium with the consent in writing of any two of the visitors, may send or take, under proper control, any patient to any specified place for any definite time for the benefit of his health; but before such consent is given, the approval in writing of the person who signed the requisition for the admission of the patient, or by whom the last payment on account of the patient was made, shall, if required, be produced to such visitors. R.S.O. 1897, c. 318, s. 74.

Attend-
ance of
witnesses.

55.—(1) The Inspector or any two members of the Board, may, by summons under their hands and seals, Form 7, require any person to appear before him or them to testify, on oath, the truth touching any matters respecting which such Inspector or visitors are authorized to enquire.

Penalty for
non-attend-
ance, etc.

(2) Every person who does not appear, pursuant to such summons, or does not assign some reasonable excuse for not appearing, or appears and refuses to be sworn or examined, shall incur a penalty not exceeding \$200. R.S.O. 1897, c. 318, s. 77. *Amended.*

Expenses of
witnesses.

(3) The Inspector or the visitors may direct the secretary of the Board to pay to any person who appears pursuant to

the summons all reasonable expenses of his appearance and attendance, and the same shall be deemed expenses incurred by the Board in the execution of this Act, and to be taken into account and paid accordingly. R.S.O. 1897, c. 318, s. 78. *Amended.*

56. Every person who knowingly gives, conveys, or supplies to any patient detained in any sanitarium any intoxicating liquor or morphia, cocoaine or other drug without the order of the superintendent first obtained in writing, shall incur a penalty not exceeding \$50. R.S.O. 1897, c. 318, s. 109. *Amended.*

Penalty for supplying liquor or drugs to inmates.

57. Every one who knowingly assists directly or indirectly any patient detained in a sanitarium to escape therefrom shall incur a penalty, on summary conviction before two justices of the peace, of a sum not exceeding \$100. R.S.O. 1897, c. 318, s. 110.

Penalty for assisting inmates to escape.

58. All penalties when recovered shall be paid to the clerk of the peace, for the county or district in which the offence was committed, to be by him applied and accounted for as hereinbefore directed with respect to moneys received for licenses. R.S.O. 1897, c. 318, s. 85.

How penalties to be disposed of.

59. If an action is brought against any person for anything done or purporting to be done in pursuance of this Act, by and on behalf of any person who has been detained in a sanitarium and has been released therefrom, the same shall be commenced within twelve months next after his release. R.S.O. 1897, c. 318, s. 89. *Amended.*

Limitation of actions.

60.—(1) No prosecution for any offence against this Act shall be brought, except upon the order in writing of the Board, or with the consent in writing of His Majesty's Attorney-General for Ontario. R.S.O. 1897, c. 318, s. 94.

Leave to prosecute.

(2) *The Ontario Summary Convictions Act* shall apply to every such prosecution.

Procedure.

(3) Every such prosecution shall be heard before a police magistrate or two justices of the peace. *New.*

Before whom.

61. The costs, charges and expenses incurred by or under any order of the Board shall be paid by the clerk of the peace for the county, and be included by him in the account

Costs under orders, etc., of visitors provided for.

of receipts and payments hereinbefore directed to be kept by him. R.S.O. 1897, c. 318, s. 96.

ADMISSION OF ALCOHOLIC HABITUATES.

Admission
of alcoholic
habituates,
voluntarily.

62. If the license so permits, an alcoholic habituate may be admitted to a sanitarium upon his voluntary application in writing, if it is certified by a legally qualified medical practitioner to the satisfaction of the superintendent that the applicant is an alcoholic habituate, that he is a reasonably hopeful subject for treatment with a view to his cure; and further, that at the time of his admission he is capable of appreciating the fact that he is to be admitted as a voluntary patient. R.S.O. 1897, c. 318, s. 97. *Amended.*

Period of
detention.

63. Such alcoholic habituate may remain a patient in the sanitarium for a period of two years, and no longer; and it shall be a condition of his admission that before his admission he shall sign a pledge, agreeing and consenting to remain such length of time, not exceeding one year, as, in the opinion of the superintendent, is required to effect a permanent cure of his habit, and to faithfully conform to all the rules and regulations of the sanitarium while an inmate. R.S.O. 1897, c. 318, s. 98. *Amended.*

Terms of
admission.

Discharge of
voluntary
patients.

64. The medical superintendent shall have full authority to discharge from the sanitarium when, in his opinion, it may be advisable, any person who has been admitted to it by his own voluntary application. R.S.O. 1897, c. 318, s. 99.

Admission
at instance
of relatives
or friends.

65. On petition verified by oath, presented to a judge of the county or district court of the county or district in which the alleged alcoholic habituate resides, by any relative, whether by blood or affinity, or, if he has no relative in Ontario by any friend of the alleged alcoholic habituate, setting forth that the alleged habituate is a *bona fide* resident of Ontario, and is so given over to drunkenness as to render him unable to control himself, and is incapable of managing his affairs, or that by reason of such drunkenness he either squanders or mismanages his property, or places his family in danger or distress, or transacts his business prejudicially to the interest of his family or his creditors, or that he uses intoxicating liquors to such an extent as to render him dangerous to himself or others, or incurs the danger of ruining his health and shortening his life thereby, and praying that a hearing and examination of the matters and allegations set forth in the petition may be had, the Judge shall direct that a copy of the petition shall forthwith be served upon the alleged alcoholic habituate, and

with such copy there shall be served an appointment signed by the judge, appointing a time and place for the hearing of the matters and allegations contained in the petition, and such service shall be at least eight clear days before the time fixed for the hearing. R.S.O. 1897, c. 318, s. 100.

66. The judge shall attend at the time and place named ^{Hearing the petition.} in the appointment, and then and there proceed to inquire into the matters and allegations set forth in the petition; but he may in his discretion adjourn the enquiry from time to time. R.S.O. 1897, c. 318, s. 101.

67. The judge shall have the same powers as to sum-^{Powers of Judge.}moning witnesses, enforcing their attendance and the production of documents as in proceedings in the county or district court, and each party may retain counsel to conduct the proceedings and to examine witnesses. R.S.O. 1897, c. 318, s.s. 102-104. *Redrafted.*

68.—(1) If the judge, upon such inquiry finds the ^{Order for admission and detention.} person petitioned against to be an alcoholic habituate, and so given over to drunkenness as to render him unable to control himself and incapable of managing his affairs; or that on that account he squanders or mismanages his property; or places his family in danger or distress; or transacts his business prejudicially to the interest of his family or his creditors; or that he uses intoxicating liquors to such an extent as to render him dangerous to himself or others; or incurs the danger of ruining his health or shortening his life, the judge may order him to be admitted to and detained in the sanitarium for a period not exceeding two years. R.S.O. 1897, c. 318, ss. 105 and 106, *part, Amended.*

(2) Before such order is made the Judge shall ascertain ^{Arrangements.} that there is a vacancy in such sanitarium, and that satisfactory arrangements have been made with the medical superintendent thereof for the payment of the maintenance of such alcoholic habituate. R.S.O. 1897, c. 318, s. 106, *part, amended.*

(3) The order for the conveyance of the alcoholic habituate to the sanitarium may be carried out by the sheriff or by any other person to whom it is directed. ^{Execution of order.} R.S.O. 1897, c. 318, s. 106, *part, amended.*

69. If an inmate of the sanitarium, admitted or com-^{Provision in case any party detained escapes.}mitted under sections 62 or 68 escapes therefrom, any officer or servant of the sanitarium or any other person at the request of the superintendent may, within forty-eight hours after

such escape, or within one month thereafter, when a warrant has been issued by the superintendent in that behalf, retake such escaped person, and return him to the sanitarium where he shall remain under the authority by virtue of which he was detained prior to such escape. R.S.O. 1897, c. 318, s. 107.

Drug
habituates.

70. All the provisions of this Act relating to alcoholic habituates shall extend *mutatis mutandis* to every person who is a drug habituate. R.S.O. 1897, c. 318, s. 108.

Application
of 3-4 Geo.
V. c. 88,
ss. 8 and 9.

71. Sections 8 and 9 of *The Prisons and Public Charities Inspection Act* shall apply to sanitarium. R.S.O. 1897, c. 318, s. 111.

Repeal.

72. Chapter 318 of the Revised Statutes of Ontario, 1897, is repealed.

FORM 1.

REQUISITION FOR THE RECEPTION OF A PATIENT.

I, the undersigned, hereby request you to receive **A. B.**, a person, mentally diseased, as a patient into your sanitarium.

Name.

[State occupation (if any), his place of abode, degree of relationship, if any, or other circumstances of connection with the patient.]

1. Name of Patient, with Christian name at length.
2. Sex and age.
3. Married, single, or widowed.
4. Condition of life and previous occupation (if any).
5. Previous place of abode.
6. Religious persuasion, so far as known.
7. Duration of existing attack.
8. Whether first attack.
9. Age (if known) on first attack.
10. Whether subject to epilepsy.
11. Whether suicidal or dangerous to others.
12. Previous place of confinement (if any).
13. Special circumstances (if any) preventing the patient being examined, before admission, separately by two physicians.
14. Special circumstances (if any) preventing the insertion of any of the above particulars.

Dated this day of , 19 .

(Signed)

Name.

To

Proprietor (or, Superintendent) of
(describing sanitarium by situation and name, if any.)

R.S.O. 1897, c. 318, Sched. A.

FORM 2.

FORM OF MEDICAL CERTIFICATE.

I, *(state degree or qualification)*, being a legally qualified medical practitioner, hereby certify that I have this day, separately from any other medical practitioner, visited and personally examined *A. B.*, the person named in the accompanying statement and requisition, and that the said *A. B.* is a person suffering from mental disease, and a proper person to be confined, and that I have formed this opinion from the following fact (*or facts*), viz.:

(Signed,)

Name.

Place of abode.

Dated this day of , 19 .

R.S.O. 1897, c. 318, Sched. B.

Witness }

FORM 4.

NOTICE OF ADMISSION.

I hereby give you notice, that *A. B.* was received into this sanitarium as a patient, on the _____ day of _____, and I herewith transmit a copy of the requisition and Medical Certificates (*or Certificate*) on which he was received.

Subjoined is a statement with respect to (*his or her*) mental and bodily condition.

(Signed), _____ *Name.*

Superintendent (*or Proprietor*) of

Dated this _____ day of _____, 19 ____.

STATEMENT.

I have this day seen and personally examined *A. B.*, the patient named in the above notice, and hereby certify that, with respect to mental state, he (*or she*), _____, and that, with respect to bodily health and condition, he (*or she*) _____

(Signed), _____ *Name.*

Medical Proprietor (*or Superintendent,*
or Attendant), of

Dated this _____ day of _____, 19 ____.

R.S.O. 1897, c. 318, Sched. D.

FORM 5.

REGISTER OF DISCHARGES AND DEATHS.

[illegible]

FORM 6.

FORM OF NOTICE OF DISCHARGE OR DEATH.

I hereby give you notice that _____ a patient received
 into this sanitarium for mental diseases on the _____ day of
 _____ was discharged therefrom, recovered (*or* relieved, *or*
 not improved) (*or* was removed therefrom) by the authority of
 _____ (*or* died therein) on the _____ day of

(Signed)

Name.

Superintendent (*or* Proprietor)
 of house at

Dated this _____ day of _____, 19 ____.

In case of death, add—and I further certify that A. B. was present
 at the death of the said _____, and that the apparent cause
 of the death of the said _____ (*ascertained by post*
mortem examination, if so) was

R.S.O. 1897, c. 318, Sched. F.

FORM 7.

FORM OF SUMMONS.

We, (*names in full*) _____ being two of
 the visitors appointed under *The Private Sanitarium Act*, do hereby
 summon and require you personally to appear before us at
 _____ in _____ on
 the _____ day of _____, at the hour of _____
 in the _____ noon of the same day, and then and there to be
 examined, and to testify the truth touching certain matters relating
 to the execution of the said Act.

Given under our hands and seals, this _____ day of
 in the year of our Lord, 19 ____.

R.S.O. 1897, c. 318, Sched. G.

CHAPTER 287. R.S.O. 1914.

An Act respecting The Reformatory for Ontario

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|--|---|
| SHORT TITLE, s. 1. | NO LIQUORS, TOBACCO, ETC., TO BE ADMITTED, s. 16. |
| INTERPRETATION, s. 2. | LABOUR, s. 17. |
| NAME, s. 3. | RECORDS OF CONDUCT TO BE KEPT, s. 18. |
| OFFICERS, s. 4. | DURATION OF SENTENCES, s. 19. |
| RULES AND REGULATIONS, s. 5. | EMPLOYMENT OF PRISONERS, s. 20. |
| INSPECTOR, POWERS AND DUTIES OF, s. 6. | DISCHARGE OF PRISONERS, ss. 21, 22. |
| TRANSFER OF PRISONERS, ss. 7-10. | PROPERTY VESTED IN CROWN, s. 23. |
| GOVERNMENT OF PRISON: | CONTRACTS, HOW TO BE MADE, s. 24. |
| Superintendent, duties of, ss. 11, 12. | BOOKS AND INDUSTRIAL ACCOUNTS, ss. 25-30. |
| OFFICERS TO GIVE SECURITY, s. 13. | AUDIT, s. 31. |
| To have no interest in contracts, s. 14. | REPEAL, s. 32. |
| Not to engage in other business, s. 15. | |

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- Short title. **1.** This Act may be cited as *The Ontario Reformatory Act*.
- Interpretation. **2.** In this Act,—
- “County.” (a) “County” shall include district. R.S.O. 1897, c. 308, s. 1. *Amended.*
- “Inspector.” (b) “Inspector” shall mean the Inspector designated by the Minister under *The Prisons and Public Charities Inspection Act* to whom is assigned the duty of inspecting the Reformatory for Ontario. *New.*
- “Minister.” (c) “Minister” shall mean the member of the Executive Council charged with the administration of this Act. *New.*

3. "The Central Prison for the Province of Ontario," ^{Name of prison.} shall be called "The Reformatory for Ontario." R.S.O. 1897, c. 308, s. 2. *Amended.*

4. The Lieutenant-Governor in Council may appoint for ^{Appointment of} the Reformatory, a superintendent, a surgeon, a bursar, and ^{certain} accountant, a storekeeper, and such other officers as may be ^{officers.} necessary. R.S.O. 1897, c. 308, s. 3. *Amended.*

5. The Lieutenant-Governor in Council may make regu- ^{Lieutenant-Governor to make} lations for the management and discipline of the Reforma- ^{rules, etc.} tory and for prescribing the duties and conduct of the superintendent, officers and employees therein, and as to the diet, clothing, maintenance, employment, classification, instruction, discipline, correction, punishment and reward of persons detained therein. R.S.O. 1897, c. 308, s. 6. *Amended.*

6.—(1) The Inspector may summarily suspend any of ^{Power of} the officers for misconduct, of which the Minister shall be at ^{Inspector} once notified, and the suspension shall continue until the ^{over officers} pleasure of the Lieutenant-Governor is known, and the In- ^{of the} spector may until such pleasure has been intimated to him, ^{prison.} cause any such officer so suspended to be removed beyond the precincts of the prison.

(2) It shall be the duty of the Inspector to recommend ^{His duty.} the removal of any officer or employee, whom he deems incapable, inefficient or negligent in the execution of his duty, or whose presence in the Reformatory he deems injurious to the interests thereof; and the pay of every officer so suspended shall cease during the period of such suspension. R.S.O. 1897, c. 308, s. 8.

7. A male person confined in a common gaol under sen- ^{Prisoners} tence of imprisonment for an offence against any Act of this ^{may be} Legislature may by the direction and warrant of the Inspector ^{transferred} be transferred from such common gaol to the Reformatory, ^{from com-} for the unexpired portion of the term of imprisonment to ^{mon gaol} which he was sentenced or committed; and such person shall ^{to central} thereupon be imprisoned in the Reformatory for the residue ^{prison.} of the term, and shall be subject to all the regulations of the Reformatory. R.S.O. 1897, c. 308, s. 12, *amended.* See R.S.C. 1906, c. 148, s. 45.

8. The Court before which any male person is convicted ^{Convicts} under, or under the authority of, an Act of this Legislature, ^{may be} of an offence, punishable by imprisonment in the common ^{sentenced} gaol, may sentence such person to imprisonment in the Re- ^{to reforma-} formatory. R.S.O. 1897, c. 308, ss. 14 and 15; see R.S.C. ^{tory instead} 1906, c. 148, s. 44. *Amended.* ^{of common} ^{gaol.}

Transfer of
Prisoners.

9. The Minister or such other officer as may be authorized by the Lieutenant-Governor in Council may, by warrant direct the removal from the Reformatory back to the common gaol, or from an industrial school for boys or an industrial farm to the Reformatory, of any person detained therein under the authority of any Act of this Legislature. R.S.O. 1897, c. 308, s. 17, *amended*. See R.S.C. 1906, c. 148, s. 48.

Officer to
deliver up
prisoners
for removal.

10. The superintendent of the Reformatory, or the superintendent of an industrial school for boys, or of an industrial farm, or the keeper of a common gaol, having the custody of any person ordered to be removed, shall, when required so to do, deliver him up to the Provincial Bailiff or other officer or person who produces the warrant, together with a copy certified by the superintendent or gaoler of the sentence or order of committal of such prisoner and the date thereof as given to him on the reception of such person into his custody. R.S.O. 1897, c. 308, s. 18. *Amended*.

Superin-
tendent to
receive
prisoner
and detain
him.

11. The superintendent shall receive into the Reformatory every person certified to him as sentenced to imprisonment therein, or transferred thereto by warrant, and shall there detain him, subject to the rules, regulations and discipline thereof, until the term of his detention is completed, or until he is otherwise discharged in due course of law. R.S.O. 1897, c. 308, s. 20; see R.S.C. 1906, c. 148, s. 46.

Powers and
duties of
superin-
tendent.

12. The superintendent shall be the chief executive officer of the Reformatory, and as such shall have under the direction of the Inspector the execution, control and management of all its affairs, subject to the Regulations, and the superintendent shall be responsible for the faithful and efficient administration of the offices of every department of the institution, except that of the bursar. R.S.O. 1897, c. 308, s. 23.

To give
security.

13. The superintendent, the bursar, the accountant, and every storekeeper and steward of the Reformatory shall give security to the satisfaction of the Minister and for such amount as he shall direct. R.S.O. 1897, c. 308, s. 24. *Amended*.

Superin-
tendent,
etc., not to
be interest-
ed in any
prison con-
tract.

14.—(1) The Inspector shall not, nor shall the superintendent or other officer or employee in such Reformatory, either in his own name, or in the name of or in connection with, or as the agent of any other person, provide, furnish or supply any materials, goods or provisions, for the use of such Reformatory, or be concerned, directly or indirectly, in furnishing or supplying the same, or in any contract relating thereto.

(2) Every person who contravenes any of the provisions ^{Penalty.} of this section shall incur a penalty of \$1,000. R.S.O. 1897, c. 308, s. 26.

15. The superintendent shall not nor shall any officer or ^{Officers not to be engaged in any other business.} employee buy from or sell to any inmate in the Reformatory anything whatever; or take or receive to his own use, or for the use of any other person, any fee, gratuity or emolument from any inmate or visitor or any other person; or employ any inmate in working for him. R.S.O. 1897; c. 308, s. 27.

16.—(1) Except under the Regulations no morphia, ^{No liquors, tobacco, etc., to be admitted.} cocaine or other narcotic drug, and no intoxicating liquors within the meaning of *The Liquor License Act*, shall on any pretence whatever be brought into the Reformatory for the use of any officer or employee or person in the institution, or for the use of any prisoner therein.

(2) Every person, other than an officer of the Reforma- ^{Penalty.} tory acting under the Regulations, who gives any morphia, cocaine or other narcotic drug or intoxicating liquor, and every officer, employee or other person who gives or conveys tobacco in any form, to any prisoner, shall incur a penalty of \$40, recoverable under *The Ontario Summary Convictions* ^{10 Edw. VII. c. 37.} *Act*. R.S.O. 1897, c. 308, s. 28. *Amended.*

17. The Reformatory shall be furnished with all requisite ^{Labour.} means for carrying on beneficial labour by the inmates in shops and the various forms of labour, having for its base, clay, sand, gravel, stone, lime, agriculture, horticulture and dairying in all their various branches. *New.*

18. A record of the conduct of the inmates of the Refor- ^{Record of conduct to be kept.} matory shall be kept. R.S.O. 1897, c. 308, s. 7.

19.—(1) Every person sentenced directly to the Refor- ^{Sentences.} matory shall be sentenced to imprisonment therein for a period of not less than three months and for an indeterminate period thereafter of not more than two years less one day.

(2) The Ontario Board of Parole, before paroling any ^{Consideration by Board of Parole.} inmate shall take into consideration his history for the purpose of determining whether he should be paroled. *New.*

20.—(1) The Lieutenant-Governor in Council may au- ^{Employment of prisoners without the precincts.} thorize, direct or sanction the employment upon any specific work or duty beyond the limits of the Reformatory, of any prisoner.

(2) Every such prisoner during such employment shall be ^{Conditions of employ-} subject to all the provisions of this Act, and to the Regula- ^{ment.}

tions and discipline of the Reformatory, and to such other regulations of the superintendent as may be prescribed by the Inspector. R.S.O. 1897, c. 318, s. 33 (1).

Prisoner not to be discharged on a Sunday.

21. Whenever the term of imprisonment of any prisoner expires on a Sunday, he shall be discharged on the previous Saturday, unless he desires to remain until the following Monday. R.S.O. 1897, c. 308, s. 34; *see* R.S.C. 1906, c. 148, s. 38.

Prisoners labouring under certain diseases not to be discharged until cured.

22. No person shall be discharged from the Reformatory at the termination of his sentence if then labouring under any contagious or infectious disease, or under any acute or dangerous illness, but he shall be permitted to remain in the Reformatory until he recovers from such disease or illness; and any convict or prisoner remaining from such cause in the Reformatory shall be under the same discipline and control as if his sentence were still unexpired. R.S.O. 1897, c. 308, s. 35.

Property belonging to reformatory.

23.—(1) The Reformatory shall be held to include all the land procured for such institution and all buildings and machinery erected or used thereon, and all carriages, wagons, sleighs, or other vehicles for land carriage, being the property of such Reformatory, or employed in its service, and the warden shall have the custody and care thereof. R.S.O. 1897, c. 308, s. 37.

Custody.

Procuring land at Reformatory for farm purposes.

(2) The Lieutenant-Governor in Council may cause to be procured and provided, adjacent to or surrounding the Reformatory, a tract of land fit for agricultural or mechanical purposes, not exceeding two hundred acres, and may cause the same to be securely enclosed.

Contracts, how to be made.

24. All dealings and transactions on account of the Reformatory, and all contracts for goods, wares or merchandise, necessary for maintaining and carrying it on, or for the sale of goods prepared or manufactured in the Reformatory, or for the hire, labour or employment of any of the prisoners, either within or without the limits of the Reformatory, shall be entered into and carried out by the Inspector of Prisons and Public Charities in his corporate name, on behalf of His Majesty. R.S.O. 1897, c. 308, s. 38.

Lieutenant-Governor may order account to be opened with a bank for the reformatory industries.

25. For more efficiently carrying on the industries at the Reformatory, the Minister may cause an account to be opened in any branch in Ontario of a chartered bank of the Dominion of Canada in the name of the "Reformatory Industries," with a credit from year to year to cover what may be required for the year for the purposes of the business in connection with such industries, not exceeding the estimated sales of the year, as reported to the Assembly by the Minister. R.S.O. 1897, c. 308, s. 40.

26. The account shall be drawn upon in the manner Drafts on account. hereinafter provided. R.S.O. 1897, c. 308, s. 42.

27. All money received by the Reformatory for and on Moneys received for goods sold to be deposited. account of goods sold of whatever kind shall be deposited from day to day in the bank to the credit of the account. R.S.O. 1897, c. 308, s. 43.

28. All cheques drawn upon the account shall be signed Cheques, how signed and countersigned. by the superintendent and bursar of the Reformatory, and countersigned by the Inspector and the Minister. R.S.O. 1897, c. 308, s. 44.

29. Every cheque drawn upon the account shall, when Bill to be attached to cheque when presented for signature. presented to the several officers required to sign and counter-sign the same for signature, have attached thereto for the information of such officers, the original bill, or a duplicate or certified copy of the original bill, for payment of which the cheque is issued, the bill having been theretofore certified by the accountant of the Reformatory to be correct. R.S.O. 1897, c. 308, s. 45.

30. At the end of each fiscal year there shall be paid over Balance at end of year to be paid to Provincial Treasurer. to the Treasurer of Ontario the balance of the money standing at the credit of the account. R.S.O. 1897, c. 308, s. 46. *Amended.*

31. The Provincial Auditor shall audit the industrial Audit. accounts of the Reformatory at least every three months. R.S.O. 1897, c. 308, s. 47.

32. The Order of the Lieutenant-Governor in Council, Order in Council of 15th August, 1913, confirmed. dated the 15th day of August, 1913, set out as Schedule "A" hereto is confirmed and declared to be and to have been since that date, legal, valid and binding.

SCHEDULE "A."

Upon the recommendation of the Honourable the Provincial Secretary, the Committee of Council advise that part of Lot No. 6, Humber, first concession, Township of Etobicoke, in the County of York, situate at the south-east corner of Horner Avenue and Elm Street in the said township, and containing eight hundred and forty thousand (840,000) square feet more or less and having a frontage of seven hundred (700) feet on Elm Street and twelve hundred (1200) feet on Horner Avenue be set apart for the uses and purposes of the industries of the reformatory of Ontario to take effect as from the first day of April, 1913.

33. Chapter 308 of the Revised Statutes of Ontario, 1897. is repealed.

[As to fees payable to Sheriffs and Gaol Surgeons for services in connection with offenders sentenced or liable to be removed or sentenced to the reformatory, see Revised Statutes of Ontario, Chapter 96, and Sched. A.]

CHAPTER 288. R.S.O. 1914.

An Act respecting The Andrew Mercer Ontario Reformatory for Females

SHORT TITLE, s. 1.
 INTERPRETATION, s. 2.
 OBJECT OF REFORMATORY, s. 3.
 OFFICERS, s. 4.
 POWERS AND DUTIES OF INSPECTOR,
 ss. 5, 6.
 GOOD BEHAVIOUR, s. 7.
 TRANSFER OF PRISONERS, ss. 8-12.
 GOVERNMENT OF REFORMATORY:
 The Superintendent, s. 13.
 Accountant to give security, s.
 14.
 Interests in contracts, s. 15.

Officers not to engage in other
 business, s. 16.
 Spirituous liquors, etc., not to
 be taken into Reformatory,
 s. 17.
 BENEFICIAL LABOUR, s. 18.
 EXTENT OF REFORMATORY, s. 19.
 CONTRACTS TO BE MADE BY INSPEC-
 TOR, s. 20.
 DISCHARGE OF PRISONERS, ss. 21,
 22.
 REPEAL, s. 23.

HIS MAJESTY, by and with the advice and consent of
 the Legislative Assembly of the Province of Ontario,
 enacts as follows:—

Short
 title.

1. This Act may be cited as *The Andrew Mercer Reformatory Act*.

Interpreta-
 tion.

2. In this Act,—

"Inspector."

(a) "Inspector" shall mean the Inspector designated by the Minister under *The Prisons and Public Charities Inspection Act* to whom is assigned the duty of inspecting the Reformatory;

3-4 Geo. V.
 c. 88.

"Minister."

(b) "Minister" shall mean that member of the Executive Council charged for the time being with the administration of this Act;

"Reformatory."

(c) "Reformatory" shall mean The Andrew Mercer Ontario Reformatory for Females.

"Regulations."

(d) "Regulations" shall mean the regulations made by the Lieutenant-Governor in Council under the authority of this Act or under *The Prisons and Public Charities Inspection Act*. *New.*

3-4 Geo. V.
 c. 88.

3. The Andrew Mercer Ontario Reformatory for Females shall be for the reception, detention and employment, of such female offenders as are hereinafter mentioned. R.S.O. 1897, c. 309, s. 2.

4. The Lieutenant-Governor in Council may appoint for the Reformatory, a superintendent, an accountant, a surgeon, and such other officers as he may deem necessary. R.S.O. 1897, c. 309, s. 3.

5. The Lieutenant-Governor in Council may make regulations for the management and discipline of the Reformatory, and for prescribing the duties and conduct of the superintendent and the officers and servants employed therein, and as to the diet, clothing, maintenance, employment, classification, instruction, discipline, correction, punishment, and reward of persons detained therein. R.S.O. 1897, c. 309, s. 6. *Amended.*

6.—(1) The Inspector may summarily suspend any officer for misconduct, of which the Minister shall be at once notified, and the suspension shall continue until the pleasure of the Lieutenant-Governor is known, and the Inspector may until such pleasure is intimated to him cause any such officer so suspended to be removed beyond the precincts of the Reformatory.

(2) It shall be the duty of the Inspector to recommend the removal of any officer whom he deems incapable, inefficient, or negligent in the execution of his duty, or whose presence in the Reformatory he may deem injurious to the interests thereof; and the pay of every officer so suspended shall cease during the period of such suspension. R.S.O. 1897, c. 309, s. 8.

7. The Inspector may make rules for the keeping of a correct record of the conduct of inmates, with a view to permit any offender to be paroled upon the recommendation of the superintendent, approved by the Inspector and endorsed by the Ontario Board of Parole. R.S.O. 1897, c. 309, s. 7.

8. A female detained in a common gaol, under sentence of imprisonment for an offence against any Act of this Legislature, may by the direction and warrant of the Inspector be conveyed by a female bailiff, appointed for that purpose, from such common gaol to the Reformatory, for the unexpired portion of the term of imprisonment to which she was sentenced or committed; and such female shall thereupon be imprisoned in such reformatory, for the residue of the term, and shall be subject to all the regulations of the Reformatory. R.S.O. 1897, c. 309, s. 12. *Amended.*

Convict
may be
sentenced
to Refor-
matory.

9.—(1) The court before which any female is convicted under, or under the authority of any Act of this Legislature, of an offence punishable by imprisonment, may sentence such female to imprisonment for an indefinite period not exceeding two years in the Reformatory instead of the common gaol.

Female
bailiff to be
employed.

(2) Such female shall be conveyed to the Reformatory by a female bailiff. R.S.O. 1897, c. 309, ss. 13 and 14. *Amended.*

Transfer
from Re-
formatory
to gaol.

10.—(1) The Minister or such other officer as may be authorized by the Lieutenant-Governor in Council may by warrant direct the removal from the Reformatory back to the common gaol, of any female under sentence of imprisonment for an offence against any Act of this Legislature, and such female shall thereupon be conveyed to the common gaol by the female bailiff. R.S.O. 1897, c. 309, s. 15. *Amended.*

Superin-
tendent or
gaoler to
deliver up
prisoners.

(2) The superintendent of the Reformatory, or the keeper of any common gaol, having the custody of any female ordered to be removed, shall, when required so to do, deliver her up to the female bailiff who produces the warrant, together with a copy, certified by the superintendent or gaoler, of the sentence and date of conviction as given to him on reception of such female into his custody. R.S.O. 1897, c. 309, s. 16.

Copy of
sentence
sufficient
warrant.

Superinten-
dent to
receive and
detain
prisoners.

11. Any female bailiff may convey to the Reformatory any female person sentenced or liable to be imprisoned therein, and deliver her to the superintendent without any further warrant than a copy of the minute of the sentence, taken from the records of the court before which she was tried, and certified by the convicting Justice or the clerk of the court, and the superintendent shall receive her into the reformatory and detain her there, subject to all the rules, regulations, and discipline thereof, until the expiration of her sentence, or until she is otherwise discharged in due course of law. R.S.O. 1897, c. 309, ss. 17, 18.

Officer to
give and
take re-
ceipt for
prisoner.

12. The female bailiff shall give a receipt to the superintendent or gaoler for the prisoner, and shall thereupon, without delay convey and deliver her with the certified copy into the custody of the superintendent of the Reformatory or of the gaoler of the gaol mentioned in the warrant, who shall give to such bailiff a receipt in writing for her; and the prisoner shall be kept in custody in such Reformatory or gaol until the expiration of her sentence, or until she is otherwise discharged in due course of law, unless she is in the meantime again removed under competent authority. R.S.O. 1897, c. 309, s. 20.

13. The superintendent shall reside within the institution and shall be the chief executive officer of it, and as such shall have under the direction of the Inspector, the execution, control, and management of its affairs, subject to the Regulations, and the superintendent shall be responsible for the faithful and efficient administration of the offices of every department of the institution. R.S.O. 1897, c. 309, s. 21.

Powers and
duty of
Superin-
tendent.

14. The accountant shall give security to the satisfaction of the Minister and for such amount as he shall direct for the faithful performance of the duties of the office. R.S.O. 1897, c. 309, s. 22. *Amended.*

Accountant
to give
security.

[Section 23 omitted as unnecessary.]

15.—(1) The Inspector shall not nor shall the superintendent, or other officer, employee of the Reformatory either in his own name, or in the name of, or in connection with or as the agent of any other person, provide, furnish, or supply any materials, goods, or provisions for the use of the Reformatory; or be concerned, directly or indirectly, in furnishing or supplying the same, or in any contract relating thereto.

Officers not
to be inter-
ested in any
contract.

(2) Every person who contravenes any of the provisions of this section shall incur a penalty of \$1,000. R.S.O. 1897, c. 309, s. 24.

Penalty.

16. The superintendent, shall not nor shall any officer or employee buy from or sell to any prisoner in the Reformatory anything whatever, or take or receive to his own use, or for the use of any other person, any fee, gratuity, or emolument from any prisoner or visitor, or any other person, or employ any convict in working for him. R.S.O. 1897, c. 309, s. 25.

Officers not
to engage
in trade,
etc., in the
Reforma-
tory.

17.—(1) Except under the regulations, no morphia, cocaine or other narcotic drug, and no intoxicating liquors within the meaning of *The Liquor License Act* shall on any pretence whatever be brought into the Reformatory for the use of any officer or employee or person in the institution, or for the use of any prisoner therein.

Except
under Regu-
lations no
narcotic
drugs or in-
toxicating
liquors to
be brought
into the Re-
formatory.

(2) Every person, other than an officer of the Reformatory acting under the regulations who gives any intoxicating liquors, morphia, cocaine or other narcotic drug, and every officer, employee, or other person who gives or conveys tobacco in any form to any prisoner, shall incur a penalty of \$40, recoverable under *The Ontario Summary Convictions Act*. R.S.O. 1897, c. 309, s. 26. *Amended.*

Contraven-
tion.

Penalty.

10 Edw.
VII. c. 37.

Beneficial
labour.

18. The Reformatory shall be furnished with all requisite means for enforcing the performance of beneficial labour by the inmates thereof. R.S.O. 1897, c. 309, s. 27. *Amended.*

Reforma-
tory, what
to include.

19. All the land enclosed and used in connection with the Reformatory building shall be deemed to be part of the Reformatory. R.S.O. 1897, c. 309, s. 28.

Contracts,
etc., how
made.

20. All dealings and transactions on account of the Reformatory, and all contracts for goods, wares, or merchandise, necessary for maintaining and carrying it on or for the sale of goods prepared or manufactured in the Reformatory, or for the hire, labour, or employment of any of the prisoners, shall be entered into and carried out by the Inspector of Prisons and Public Charities in his corporate name on behalf of His Majesty. R.S.O. 1897, c. 309, s. 29.

Prisoners
not to be
discharged
on Sunday.

21. When the term of imprisonment of any prisoner expires on a Sunday, she shall be discharged on the previous Saturday, unless she desires to remain until the following Monday. R.S.O. 1897, c. 309, s. 30.

Prisoners
not to be
discharged
if labouring
under cer-
tain
diseases.

22. No prisoner shall be discharged at the termination of her sentence or transferred from the Reformatory to a gaol if she has syphilitic or other venereal disease, or any contagious or infectious disease, or is suffering from any acute or dangerous illness, but she shall remain in the Reformatory until the surgeon certifies to the Inspector that she has recovered from the disease or illness; and any prisoner so remaining shall be under the same discipline and control as if her sentence were still unexpired. R.S.O. 1897, c. 309, s. 31. *Amended.*

Repeal.

23. Chapter 309 of the Revised Statutes of Ontario, 1897, is repealed.

CHAPTER 293. R.S.O. 1914.

An Act respecting Gaols.

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PRELIMINARY.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Gaols Act*. Short title.
2. In this Act, Interpretation.
 - (a) "Inspector" shall mean the Inspector of Prisons and Public Charities, to whom the duty of inspecting gaols is assigned by the Lieutenant-Governor in Council;

(b) "Minister" shall mean the member of the Executive Council charged for the time being with the administration of this Act. *New.*

Prisons of
Court.

3. All gaols in Ontario shall be prisons of the Supreme Court of Ontario. R.S.O. 1897, c. 51, s. 179.

[Erection and maintenance of gaols, and appointment of gaolers in Counties; See The Municipal Act, 3-4 Geo V. c. 43.]

GAOLS IN PROVISIONAL JUDICIAL DISTRICTS.

Gaols,
in judicial
districts.

4.—(1) Every gaol erected in a provisional judicial district under the authority of the Lieutenant-Governor in Council or any building so declared so to be by the Lieutenant-Governor in Council shall be a common gaol of the district. R.S.O. 1897, c. 109, s. 51 (1). *Amended.*

Common
For all the
districts.

(2) The common gaols and the industrial farms in the several districts shall be respectively common gaols and industrial farms for all the districts, and any court or magistrate may direct the committal to any of them, either for safe custody or for punishment of any person who may be lawfully committed by such court or magistrate to the common gaol or industrial farm of the district in which the order for committal is made. *See* R.S.O. 1897, c. 109, ss. 51 (3) and 52; 2 Geo. V. c. 17, s. 24.

Transfer
from lock-
up to com-
mon gaol.

5. Any person imprisoned in a lock-up in a district may be transferred by order of an Inspector to the common gaol in the district town of the district. R.S.O. 1897, c. 109, s. 53. *Amended. See* R.S.C. 1906, c. 148, s. 585.

Appoint-
ment of
Gaoler.

6. The Lieutenant-Governor may appoint a gaoler of every common gaol, who shall perform all the duties and be under and subject to all the liabilities that the gaolers of the common gaols in counties perform and are subject to, and shall give such security for the due performance of the duties of his office as the Lieutenant-Governor in Council from time to time prescribes, and every such gaoler shall be paid out of money appropriated by this Legislature and voted by the Assembly for that purpose, such sums of money annually as the Lieutenant-Governor in Council may think reasonable for the services performed. R.S.O. 1897, c. 109, s. 54 (1) *Amended.*

Vacancy.

7.—(1) In case of a vacancy the sheriff shall appoint some proper person to act as gaoler until an appointment is made by the Lieutenant-Governor in Council. R.S.O. 1897, c. 109, s. 54 (2). *Amended.*

(2) The Lieutenant-Governor in Council may upon the application of the sheriff declare that the public interests do not require that another gaoler of the gaol at the district town shall be appointed, and thereupon the sheriff shall be *ex-officio* gaoler of such gaol, and shall perform all the duties, and shall be subject to all the liabilities of the office. 61 Vic. c. 36, s. 12.

When
sheriff to
be *ex-officio*
gaoler.

ESTABLISHMENT AND MAINTENANCE OF GAOLS.

8. Every gaol shall be constructed and built according to a plan to be approved of by the Inspector, and sanctioned by the Lieutenant-Governor in Council; and no gaol built after the 4th day of March, 1868, in any county, otherwise than according to a plan so approved and sanctioned, or which does not, after its completion, receive the approval of the Inspector, shall be deemed to be in law the gaol of such county. R.S.O. 1897, c. 321, s. 22. *Amended.*

Plans.

9. The Inspector, before deciding upon the plan of a gaol most proper to be adopted, or approving a gaol after its completion, shall take into consideration:—

Consideration of
plans.

- (a) the nature and extent of the ground upon which the gaol has been or is to be built; Particulars.
- (b) its relative situation to any street and buildings, and to any river or other water supply;
- (c) its comparative elevation and capability of being drained;
- (d) the material of which it has been or is to be constructed;
- (e) the necessity of guarding against cold and dampness, and of providing properly for ventilation and light for each corridor;
- (f) the proper classification of prisoners, having regard to age, sex, and cause of confinement;
- (g) the best means of ensuring their safe custody without the necessity of resorting to severe treatment;
- (h) the due accommodation of the gaoler and turnkeys, so that they may have ready access to the prisoners and conveniently oversee them;

- (i) the prevention of any intercourse between prisoners and persons without the walls of the building;
- (j) the prevention of nuisances from whatever cause, and the necessity of providing proper and sufficient sanitary conveniences;
- (k) the combining provision, as well for the reformation of convicts, as far as may be practicable, as for their employment, in order that the gaol may really serve as a place of correction;
- (l) the admission of prisoners to air and exercise without the walls of the building; and
- (m) the enclosure of the yard and premises with a secure wall. R.S.O. 1897, c. 321, s. 23.

Gaol repairs. **10.**—(1) If the Inspector at any time finds that the common gaol in any county or city is out of repair or is unsafe or unfit for the confinement of prisoners, or is not constructed or maintained in conformity with the provisions of the next preceding section, or does not afford sufficient space or room for the number of prisoners usually confined therein, he shall forthwith report the fact to the Lieutenant-Governor, and shall at the same time furnish a copy of such report to the council of such county or city.

Report to
the Lieut.-
Governor.

Copy fur-
nished to
the County
Council.

Conference
with
Inspector.

(2) The council shall thereupon appoint a special committee to confer with the Inspector, and to arrange with him as to the repairs, alterations or additions that may be deemed necessary to remedy the defects reported upon, and to report the same to the council.

Case of
disagree-
ment.

(3) If the Inspector and the committee do not agree upon what repairs, alterations and additions are necessary, the matter shall be referred to the Lieutenant-Governor in Council to decide, and his decision shall be reported to the council.

By-law for
repairs.

(4) It shall be the duty of the council, by by-law, to provide for the making of the repairs, alterations or additions so arranged for and reported or decided upon, and for the appropriation of any money that may be required for that purpose, and in default thereof the council may be proceeded against at the instance and prosecution either of the Attorney-General for Ontario or of any private prosecutor, to compel the making by the council of such repairs, alterations or additions. R.S.O. 1897, c. 321, s. 24.

Proceedings
in default
of repairs.

(5) The Inspector and the special committee of the county or city council shall, in arranging the particulars of the necessary repairs, alterations or additions have due regard to the plan of the gaol, and to the ability of the council to meet the expense thereof, and in the case of alterations or additions, shall make the same as few and inexpensive as, in their opinion, the requirements of this Act and of the public service will admit. R.S.O. 1897, c. 321, s. 25.

Repairs to be made with due regard to the ability of the Council to meet the expense.

VACANCY IN OFFICE OF COUNTY GAOLER.

11.—(1) Where a vacancy occurs in the office of gaoler of any county gaol, and the number of prisoners who have been confined in such gaol during the three years ending on the 31st of December immediately preceding the occurrence of such vacancy did not exceed on an average six per diem in any of such years, it shall be the duty of the Inspector, to issue and transmit to the county council his certificate to that effect, and he shall also notify the sheriff of the county that the gaol may be made subject to the provisions of this section.

Duty of Inspector when vacancy occurs.

Notice to sheriff.

(2) The council may, after the receipt of such certificate, and within three months after the occurrence of such vacancy, or at the next meeting of the council thereafter by resolution, declare that the public interests do not require the appointment of a gaoler.

Power of county council.

(3) The sheriff may thereupon agree with the council to act as gaoler and for the remuneration to be allowed him for the performance of the duties of gaoler, and in that event it shall not be necessary for the sheriff to appoint a gaoler, but he shall himself be *ex-officio* the gaoler, and shall with such assistance as he deems necessary perform all the duties and be subject to all the responsibilities of the office.

Sheriff may agree to act as gaoler.

His duty.

(4) Pending the action of the council the sheriff may either make a temporary appointment of a gaoler or may elect himself to perform the duties of the gaoler, in which case he shall be *ex-officio* gaoler and shall perform all the duties, and shall be subject to all the liabilities of the office.

Sheriff may appoint gaoler pro tem or act himself.

(5) If the council does not within the time thereby limited, pass the resolution mentioned in subsection 2, the sheriff shall forthwith thereafter appoint the temporary gaoler or some other proper person to be the gaoler.

Sheriff must appoint gaoler in failure of the county council to act.

(6) The temporary gaoler or the sheriff, while acting under subsection 4, shall be paid at the same rate of salary as was paid to the gaoler who held the office previous to the occurrence of the vacancy. 61 Vic. c. 36, ss. 8, 9, 10, 11.

Salary of temporary gaoler or sheriff.

TRANSFER OF PRISONERS TO GAOL OF AN ADJOINING COUNTY.

When an agreement for transfer may be made.

12.—(1) Where the number of prisoners confined in the gaol of any county during two years does not exceed on an average four per diem for either of such years and the Inspector reports to the Lieutenant-Governor that it would be proper that an agreement should be made for keeping the prisoners of such county in the gaol of an adjoining county, the council of the first mentioned county may agree with the council of the adjoining county for keeping and maintaining such prisoners in the gaol of the adjoining county.

How average reckoned.

(2) The two years shall be the two years ending on the 31st day of December, immediately preceding the making of the agreement. 61 Vic. c. 36, s. 1.

Sanction by Lieutenant-Governor in Council.

13. If such agreement is made, the Lieutenant-Governor in Council, may sanction the same and shall issue a Proclamation declaring that from a day to be named therein the gaol of the adjoining county shall also be the common gaol of the first mentioned county, and it shall so continue from that day until the Lieutenant-Governor in Council issues a Proclamation terminating the agreement. 61 Vic. c. 36, s. 2. *Amended.*

Pre-requisites to sanction.

14.—(1) No such first mentioned Proclamation shall be issued unless there is direct railway communication between the county towns of the two counties, nor until the Inspector has reported that a sufficient lock-up for the safe custody of prisoners held or committed for trial in the first mentioned county or in custody prior to their committal for trial or pending their removal to the county gaol, the Reformatory for the Province of Ontario or Penitentiary has been provided in or near the county town of the first mentioned county.

Lock-up to be maintained in transferring county.

Magistrate may commit to gaol of adjoining county.

(2) Nothing in this section shall prevent the imprisonment of any such prisoner in the gaol of the adjoining county where the committing magistrate or the sheriff in charge deems it expedient that he should be imprisoned therein.

Lock-up.

(3) The lock-up may be either the building theretofore used as the gaol of the first mentioned county or part thereof or some other building approved by the Inspector. 61 Vic. c. 36, s. 3.

Expenses of transferring prisoners.

15. The County at whose instance such first mentioned Proclamation has been issued shall bear all expenses incurred in respect of the conveying of any prisoners to or from the

gaol of the adjoining county in excess of those which would have been incurred had the prisoners been detained in a gaol in the county town of the first mentioned county. 61 Vic. c. 36, s. 4.

16. It shall be the duty of the county council to see that the lock-up is always kept in a proper condition for the reception of prisoners, and if the county council fails so to keep the same the sheriff shall at the cost of the county do what is necessary in that behalf. 61 Vic. c. 36, s. 5.

Duty of county council as to lock-up.

17.—(1) An agreement made under section 12 shall continue, subject to any variation of the terms thereof by mutual agreement, for five years, and shall after such five years continue until varied by agreement, or if the councils are unable to agree, until varied by arbitration under *The Municipal Act*, but either council may at any time apply to the Lieutenant-Governor in Council to terminate the agreement.

Term for which agreement to be made.

(2) The Lieutenant-Governor in Council may terminate the agreement upon the application of either of the councils interested or of his own motion from a day to be named in his Proclamation in that behalf and from such day the gaol of the adjoining county shall cease to be the common gaol of the first mentioned county. 61 Vic. c. 36, s. 6. *Amended.*

How terminated.

18. The issue of a Proclamation under this Act shall be conclusive evidence that the events have happened and that the conditions exist which authorize the issue thereof. 61 Vic. c. 36, s. 7.

Issue of Proclamation evidence of its validity.

19.—(1) The Lieutenant-Governor in Council shall, with respect of persons in custody undergoing imprisonment for offences against any law of Ontario or a by-law or charged with any such offence, or for whose arrest a warrant has been issued have all the powers conferred upon him in respect of offences against the laws of Canada by *The Prisons and Reformatories Act of Canada*, the provisions of which shall *mutatis mutandis* apply.

Powers of Lieutenant-Governor in Council.

(2) The cost of the maintenance of a prisoner, transferred under the authority of this section shall be paid and borne by the corporation of the county, from the gaol of which he is transferred and in case of dispute as to the amount which is payable shall be determined by the Inspector.

Cost of maintenance of prisoner.

(3) The expenses of the transfer of a prisoner under this section or under *The Prisons and Reformatories Act*, shall

And of his transfer.

be paid by the corporation of the county from the gaol of which the prisoner is transferred.

How
settled.

(4) In case of dispute as to the amount payable under this or the preceding subsection the same shall be determined by the Inspector. *New.*

Detention
in gaol
pending
removal to
Provincial
prison.

20. Any person sentenced to imprisonment in the Reformatory for Ontario or in the Andrew Mercer Ontario Reformatory for Females, may be detained in the common gaol until the proper officer requires the delivery to him of such person for conveyance to the Reformatory in which he or she is to be imprisoned. *New.*

REMOVAL OF PERSONS TO PROVINCIAL INSTITUTIONS.

Appoint-
ment of
bailiffs.

21.—(1) The Lieutenant-Governor in Council may appoint provincial bailiffs, male or female, who shall be employed for the purpose of conveying any person confined in any of the common gaols of Ontario or other place of custody, and liable to be removed from thence to any provincial institution in which such person is lawfully directed to be confined, and also in the performance of such other duties as may be assigned to them by the Inspector. R.S.O. 1897, c. 314, s. 1. *Amended.*

Temporary
bailiffs.

(2) The Inspector may authorize the employment of a suitable person to act as a temporary bailiff and such temporary bailiff shall have the same powers and may perform the same duties as a provincial bailiff and shall be paid for such temporary services as the Provincial Secretary may direct. *New.*

Warrant for
removal.

22. Any such bailiff may convey any person from the gaol or other place of custody to such provincial institution without further authority than the warrant of the Inspector, which shall be issued in duplicate, and such person shall be received into such institution and there detained subject to the rules, regulations and discipline thereof until discharged by due course of law or removed under competent authority. R.S.O. 1897, c. 314, s. 2.

Powers of
bailiffs.

23. The bailiff, in the conveyance of such person to any of such provincial institutions, may secure and convey him in and through any county or district through which such bailiff may have to pass, and until such person has been delivered to and placed in such institution, such bailiff shall have, in every part of Ontario, the same power and authority

over and with regard to him, and to command the assistance of any person to prevent his escape, and to recapture him in case of an escape, as the sheriff of the county or district in which he was convicted or confined would have had in conveying him from one part to another of that county or district. R.S.O. 1897, c. 314, s. 3.

24. The bailiff shall give to the sheriff or gaoler one of the duplicates of the warrant and a receipt for every person delivered to him, and shall thereupon with all convenient speed convey and deliver up such person with the other duplicate to the superintendent or other official head of such provincial institution, who shall give his receipt in writing for every such person so received by him to such bailiff, and every such person shall be kept in such institution until discharged by due course of law or removed under competent authority. R.S.O. 1897, c. 314, s. 4.

Bailiffs to give and take receipts for persons in their charge.

25.—(1) The county, or other municipality, in which the gaol or other place of custody is situate and from which such person is removed by such bailiff, shall be liable to pay to the Treasurer of Ontario, on demand, the expenses incurred in the removal and conveyance of such person, together with sixty per centum added thereto.

Expenses of removal.

(2) Where a gaol is maintained jointly by a city and county, or in the case of a town separated from a county, the county shall be deemed to be the municipality in which the gaol is situate, and the city or town shall pay its just proportion of such expenses and additional percentage, and if not mutually agreed upon, the same shall be determined by arbitration as provided by *The Municipal Act*. R.S.O. 1897, c. 314, s. 5.

How borne.

3-4 Geo. V. c. 43.

EMPLOYING PRISONERS WITHOUT THE WALLS OF COMMON GAOLS.

26. The Lieutenant-Governor in Council may direct or authorize the employment beyond the limits of the common gaol upon any work or duty, the nature of which is specified in the Order in Council, of any person who is sentenced to be imprisoned with hard labour in such gaol under the authority of any statute of Ontario, or for the breach of a by-law of any municipal corporation or Board of Commissioners of Police. R.S.O. 1897, c. 316, s. 1. *Amended*.

Employment of prisoners outside gaol.

27. Every such prisoner shall, during such employment, be subject to the rules, regulations and discipline of the gaol, and to any regulations made by the Lieutenant-Governor.

Discipline of gaol to be observed during employment.

R.S.C. 1906
c. 148, s. 13. nor in Council under *The Prisons and Reformatories Act of Canada* or any Act thereby consolidated, for preventing escapes and preserving discipline. R.S.O. 1897, c. 316, s. 2.

Supervision. **28.** No such prisoner shall be so employed, except under the strictest care and supervision of officers appointed to that duty. R.S.O. 1897, c. 316, s. 3.

Place of
work to be
deemed
part of gaol. **29.** Every street, highway or public thoroughfare on which prisoners may pass in going to or returning from their work, and every place where they may be employed under this Act, shall, while so used, be deemed to be a part of the gaol for the purposes of this Act. R.S.O. 1897, c. 316, s. 4.

Division
of earnings
of prisoners. **30.**—(1) An account shall be kept of the amount earned by the labour of prisoners imprisoned in any common gaol, and such amount shall be divided between the Province and the county in proportion to the amount contributed by them respectively towards the care and maintenance of the prisoners.

How and
when made. (2) The division shall be made by such officer, or other person, and at such time as the Lieutenant-Governor in Council shall direct. R.S.O. 1897, c. 316, s. 5.

Application
of earnings
between
county and
city or
towns. **31.** In the case of a county in which a city or separated town is situate, the share of such earnings which the city or town shall be entitled to receive from the county shall, in case the councils are unable to agree, be determined annually by arbitration under the provisions of *The Municipal Act*. R.S.O. 1897, c. 316, s. 6.

3-4 Geo. V.
c. 43.

PROHIBITION OF INTOXICATING LIQUORS.

No intoxi-
cating
liquors
to prisoners
in gaols or
industrial
farms. **32.**—(1) No gaoler, keeper or other officer of any gaol, lock-up or industrial farm shall sell, lend, use, or give away, or knowingly permit or suffer any intoxicating liquors within the meaning of *The Liquor License Act*, to be sold, used, lent or given away to any prisoner or to any person committed to an industrial farm, or to be brought into the same, other than as may be prescribed by or given by the direction of a legally qualified medical practitioner.

Rev. Stat.
c. 245. (2) No person shall give, convey or supply to any prisoner confined in any gaol or industrial farm, any intoxicating liquor within the meaning of *The Liquor License Act*, otherwise than as authorized by this Act.

(3) Every person who contravenes this section shall incur ^{Penalty} a penalty of \$100 recoverable under *The Ontario Summary* ^{10 Edw. VII. c. 37.} *Convictions Act*.

(4) For a second offence of the like nature by such ^{Second offence by officer} gaoler, keeper, or other officer, he shall also forfeit his office. *R.S.O. 1897, c. 315, ss. 1 and 2. Amended.*

33. Section 179 of Chapter 51, sections 51, 52, 53 and 54 ^{Repeal.} of chapter 109, chapters 314, 315, and 316, sections 22, 23, 24, 25 and 26 of chapter 321 of the *Revised Statutes of Ontario, 1897*, chapter 36 of the Acts passed in the sixty-first year of the reign of Her late Majesty Queen Victoria, and section 24 of chapter 17 of the Acts passed in the second year of His present Majesty's reign, are repealed.

CHAPTER 292. R.S.O. 1914.

An Act respecting Industrial Farms

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| SHORT TITLE, s. 1. | POWER TO COMPEL WORK FROM PERSONS COMMITTED, s. 10. |
| ESTABLISHMENT OF FARMS, In cities and counties, s. 2 (1). | TRANSFER FROM GAOLS, s. 11 |
| In Provisional Judicial Districts, s. 2 (2). | MAINTENANCE OF INDUSTRIAL FARM, s. 12 (1). |
| WHO LIABLE TO BE COMMITTED THERETO, s. 3. | In the case of joint farms, s. 12 (2). |
| JOINT INDUSTRIAL FARM, s. 4. | MONTHLY REPORTS BY SUPERINTENDENT, s. 13. |
| APPROVAL OF SITE, ETC., s. 5. | STATEMENT OF NAMES OF INMATES, AND APPLICATIONS FOR PAROLE, s. 14. |
| APPOINTMENT OF SUPERINTENDENT AND OFFICERS, s. 6. | PROBATION OFFICERS, s. 15. |
| RULES AND REGULATIONS, s. 7. | INSPECTION VISITS AND REPORTS, s. 16. |
| SEWERAGE AND WATERWORKS SYSTEMS, ETC., EXTENDING TO FARMS, s. 8. | REPEAL, s. 17. |
| ASSENT OF ELECTORS NOT REQUIRED, TO BORROWING, s. 9. | |

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- Short title. **1.** This Act may be cited as *The Industrial Farms Act*.
- Industrial Farms in city or county. **2.**—(1) The council of a city, or of a county, may pass by-laws for establishing, equipping and maintaining an Industrial Farm, which in the case of a city may be established within or without the limits of a city, and for purchasing the land required for that purpose.
- In Provisional Judicial District. (2) An Industrial Farm may be established in a Provincial Judicial District by the Lieutenant-Governor in Council.
- Who liable to be committed. **3.** Persons who are convicted of offences against any Act of this Legislature or against a municipal by-law, or who may be lawfully committed to it for offences against the criminal law may be committed to such Industrial Farm or may be transferred from the common gaol to it.
- Joint action by two or more municipal corporations. **4.**—(1) In lieu of establishing separate industrial farms the councils of two or more contiguous counties, cities or separated towns may, with the approval in writing of one of the Inspectors of Prisons and Public Charities, enter into an agreement for the establishment, equipment and maintenance of and may establish, equip and maintain an industrial farm

(2) Where the councils of two or more municipalities agree to establish a joint industrial farm, each council shall appoint one person for a term of three years as a member of the board of management.

(3) The board of management, together with the sheriff of the county in which the industrial farm is located, shall have charge of the joint industrial farm, and shall, subject to the approval of the Lieutenant-Governor in Council, appoint a superintendent and such other persons as may be required for its care and management at such salaries and with such privileges as may be fixed by the Lieutenant-Governor in Council.

5. An Industrial Farm shall not be established until the site and plans for the buildings to be erected thereon have been approved by the Lieutenant-Governor in Council on the recommendation of one of the Inspectors of Prisons and Public Charities, and notice of such approval has been published in the *Ontario Gazette*.

6. The sheriff of the county or district in which an industrial farm has been established solely for that county or district shall have the supervision of the industrial farm and shall, with the approval of the Lieutenant-Governor in Council, appoint a superintendent and such other persons as may be required for its care and management at such salaries and with such privileges as may be fixed by the Lieutenant-Governor in Council.

7. Rules and Regulations for the government and conduct of Industrial Farms, and the care of the inmates, may be made by the Lieutenant-Governor in Council.

8.—(1) The Council of a City or County which has established an Industrial Farm, and the Council of another Municipality may from time to time enter into agreements for connecting the Industrial Farm with the sewerage system of such municipality, and may pass all by-laws and do all things necessary to carry the agreement into effect. 4 Edw. VII., c. 37, s. 1. (*Re-drafted.*)

(2) The Council of a City or County may also contract with the Hydro-Electric Power Commission, or with any Municipal Corporation, company or individual, owning or operating a waterworks system or works for the production and supply of electricity for light, heat or power in such City or Municipality, for the supply of water for domestic purposes and for fire protection, or of electricity for light, heat or power purposes at the Industrial Farm. 4 Edw. VII., c. 37, s. 2. (*Amended.*)

Power to carry necessary works over intervening lands.

3 Edw. VII. c. 19.

(3) For the purpose of connecting such Industrial Farm with such sewerage or waterworks system or electrical works or with the system of The Hydro-Electric Power Commission the corporation of such City or County, its officers, servants, agents or workmen may enter upon and pass over any lands or highways lying between such Industrial Farm and the point of connection; and may dig up such lands and highways, and construct sewers and lay down any pipes and place all necessary poles, wires and appliances and do all necessary work in or upon such lands and highways, making due compensation to the owners as provided by *The Consolidated Municipal Act, 1903*. 4 Edw. VII., c. 37, s. 3. (*Part Amended.*)

Powers of corporations establishing a joint Industrial Farm.

(4) Where two or more Municipal Corporations have established a joint Industrial Farm, they shall have, in respect of such Industrial Farm, all the powers conferred upon the Council of a City or County by this section. (New.)

Assent of electors to borrowing for Industrial Farm not required.

9. It shall not be necessary to obtain the assent of the electors to a By-law for raising such sums as may be required for the purchase of a site or the erection or equipment of buildings for an Industrial Farm, or the purchase of land to be used in connection therewith, or for any addition to or improvement of such buildings or equipment, or for the purpose of any works authorized by section 7, but the amount owing, in respect of the same, shall not at any time exceed 50,000. 4 Edw. VII. c. 37, s. 4. (*Redrafted.*)

Power to compel persons sent to Industrial Farm to work.

10.—(1) The Regulations in respect to Industrial Farms other than those in the Provisional Judicial District may provide for requiring every person sent to the Industrial Farm to perform such work or service, at such times, for such hours, and at such trade or labour as he may appear to be fit for, and for buying material therefor, and for selling the articles manufactured or produced therefrom, and for applying the earnings, or part of the earnings, of such person, for his maintenance or for the maintenance of his wife, children or other dependent members of his family, or for the general maintenance of the Industrial Farm, or towards aiding such person to reach his friends, or any place to which it may be deemed advisable to send him upon his discharge. 3 Edw. VII. c. 19, s. 524 ((3)).

Regulations as to industrial farms in districts.

(2) The Lieutenant-Governor in council may make regulations for the management and discipline of an Industrial Farm in a Provisional Judicial District and for prescribing the duties and conduct of the superintendent, officers and employees thereof, and as to the diet, clothing, maintenance, employment, classification, instruction, discipline, correction, punishment and reward of persons detained therein.

(3) The Lieutenant-Governor in Council may direct or authorize the employment, beyond the limits of an Industrial Farm upon any work or duty, of any person who is under sentence at such Industrial Farm. ^{Extramural employment of inmates.}

(4) Every such person shall, during such employment, be subject to the regulations made for the government and conduct of Industrial Farms and the care of the inmates thereof. ^{Subject to regulations.}

(5) Every street, highway, or public thoroughfare on which prisoners may pass on going to and returning from their work, and every place where they may be employed, shall, while so used, be deemed to be a part of the Industrial Farm. ^{Streets, etc., traversed to be deemed part of farm.}

(6) An account shall be kept by the superintendent of the Industrial Farm of the amounts earned by the labour of inmates beyond the limits of an Industrial Farm. ^{Account of labor.}

11. The sheriff of any city or county for which an Industrial Farm has been established either separately or jointly with one or more municipalities, may transfer from the common gaol to such Industrial Farm any person who may be committed thereto. ^{In-Transfer from gaol to industrial farm.}

12.—(1) The cost of the maintenance of an Industrial Farm, including the salaries of the Superintendent and the officers and servants thereof, and of the persons committed to it, and all other expenses incidental thereto, and to the transfer of persons to it, shall be paid and borne in the same manner and by the same corporations, and in the same proportions between them as if the Industrial Farm were a common gaol. ^{Cost of maintenance of Industrial Farm.}

(2) In the case of a joint Industrial Farm, the corporations by which it is established shall provide by the agreement as to the proportions in which the costs and expenses mentioned in subsection 1 shall be borne by them respectively, and by which of them they shall be paid in the first instance, and the terms of any such agreement may be varied from time to time as occasion may require, and if the corporations are unable to agree as to the variation, the same shall be determined by arbitration under *The Consolidated Municipal Act*, 1903, but no such variation, except by agreement shall be made oftener than once in every five years. (New.) ^{In the case of joint farms. 3 Edw. VII. c. 19.}

13. The Superintendent of every Industrial Farm shall on the first day of each month transmit by registered post to one of the Inspectors of Prisons and Public Charities a report showing the number of inmates committed to the Industrial Farm during the preceding month, together with such other particulars as he may require. (New.) ^{Monthly reports by Superintendent.}

Statement
of names of
inmates.

14.—(1) A statement giving the names of all persons who are inmates of the Industrial Farm and who have been regularly committed thereto for indeterminate periods.

Submission
to Board
of Parole.

(2) The statement shall be promptly forwarded, with the recommendation of one of the Inspectors of Prisons and Public Charities and the Superintendent of the Industrial Farm, to the Ontario Board of Parole for consideration and action thereon. (*New.*)

Probation
officers.

15. The Council of a City or of a County having an Industrial Farm may pass by-laws appointing Probation Officers who are not connected with any Police Force for the purpose of aiding and assisting in the reform of such persons as may from time to time be discharged on parole from an Industrial Farm under recommendation of the Ontario Board of Parole.

Inspection
visits and
reports
thereon.

16. One of the Inspectors of Prisons and Public Charities shall, at least twice in every year, inspect every Industrial Farm, and all books and documents relating to it, and examine into its condition and management, and shall report thereon to the Provincial Secretary, and make such recommendations and suggestions in relation to it, and to the method of keeping its books and accounts as he may deem advisable, and a copy of such report shall be sent to the Sheriff, having the supervision of, and to the Clerk of the Council of every municipality having an interest in, the Industrial Farm. 6 Edw. VII., c. 58, s. 2.

Repeal.

17. Subsections 3 and 7 of section 524 of *The Consolidated Municipal Act, 1903*, chapter 37 of the Acts passed in the 4th year, and chapter 58 of the Acts passed in the 6th year of the reign of His late Majesty King Edward the Seventh are repealed.

EXTRACT FROM THE ACT RELATING TO MUNICIPAL
INSTITUTIONS.

Committal to Industrial Farm.

Committal
to Indus-
trial Farm
for indeter-
minate
period.

390. Where a person is convicted of being found drunk or disorderly in a public place contrary to a municipal by-law, within three months after a prior conviction for a like offence, he may be committed by the Police Magistrate or Justice of the Peace, before whom he is convicted, to an Industrial Farm of the locality in which the order for committal is made for an indeterminate period not exceeding two years. 3-4 Geo. V, c. 43, s. 390.

CHAPTER 289. R.S.O. 1914.

An Act respecting Industrial Refuges for Females

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| SHORT TITLE, s. 1. | BAILIFFS, s. 7. |
| INTERPRETATION, s. 2. | ESCAPE AND RECAPTURE, s. 8. |
| COMMITMENT OR TRANSFER TO REFUGES, s. 3. | DISEASED AND FEEBLE-MINDED PATIENTS, ss. 9, 10. |
| ENCOURAGEMENT OF INDUSTRY, s. 4. | CONSENT OF SUPERINTENDENT REQUIRED FOR ADMISSION, s. 11. |
| DISCHARGE, s. 5. | REFUGES TO BE HOUSES OF CORRECTION, s. 12. |
| TRANSFER OF INCORRIGIBLES TO GAOL OR REFORMATORY, s. 6. | REPEAL, s. 13. |

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Female Refuges Act*. Interpretation.
2. In this Act
 - (a) "Industrial Refuge" shall mean an institution for the care of females, designated by the Lieutenant-Governor in Council as an institution to which females may be committed under this Act; "Industrial Refuge."
 - (b) "Inspector" shall mean the Inspector designated by the Minister under *The Prisons and Public Charities Inspection Act*, to whom is assigned the duty of inspecting institutions under this Act; "Inspector."
 - (c) "Minister" shall mean the member of the Executive Council charged for the time being with the administration of this Act; "Minister."
 - (d) "Superintendent" shall mean the matron or other person in charge of such institution. R.S.O. 1897, c. 311, s. 1. *Amended.* "Superintendent."

- Commitment of females to Industrial Refuges.** **3.—**(1) Any female, between the ages of 15 and 35 years, sentenced or liable to be sentenced to imprisonment in a common gaol by a police magistrate, may be committed to an Industrial Refuge, and any such female undergoing imprisonment in a common gaol including imprisonment for default of payment of a fine may be transferred by order of a police magistrate or of the Inspector to an Industrial Refuge, to be there detained for an indefinite period not exceeding five years.
- Industrial schools.** (2) An inmate of an industrial school for girls may in like manner be transferred to and detained in an Industrial Refuge.
- Religion of inmates.** (3) No Protestant female shall be committed or transferred under this Act to a Roman Catholic institution and no Roman Catholic female shall be committed or transferred to a Protestant institution. R.S.O. 1897, c. 311, ss. 2, 3. *Amended.*
- Record of conduct.** **4.** A correct record of the conduct of the inmates of an Industrial Refuge shall be kept with a view to permitting any inmate to be released on parole by the Inspector. *New.*
- Lieutenant-Governor may order discharge.** **5.** The Lieutenant-Governor may at any time order that any person who has been committed or transferred to an Industrial Refuge shall be discharged. *New.*
- Transfer to gaol or reformatory.** **6.** The Inspector may direct the removal of any inmate who proves unmanageable or incorrigible from an Industrial Refuge to a common gaol or to The Andrew Mercer Ontario Reformatory for Females. R.S.O. 1897, c. 311, s. 4. *Amended.*
- Female bailiff to make transfer.** **7.** Any female bailiff to whom the warrant of the police magistrate or the Inspector is directed may convey to the Industrial Refuge named in the warrant the person named therein and deliver her to the Superintendent. R.S.O. 1897, c. 311, s. 5. *Part amended.*
- Recapture of escaped inmate.** **8.** An inmate who escapes from an Industrial Refuge may be again arrested without any warrant by any peace officer and returned to the Industrial Refuge. R.S.O. 1897, c. 311, s. 9. *Amended.*

9. No inmate shall be discharged from an Industrial Refuge if she has syphilitic or other venereal disease or is suffering from any contagious or infectious disease or has any acute or dangerous illness, but she shall remain in the Industrial Refuge until a legally qualified medical practitioner on the staff of the Refuge gives a written certificate that such inmate has fully recovered from the disease or illness, and any inmate remaining from any such cause in the Industrial Refuge shall continue to be under its discipline and control. R.S.O. 1897, c. 311, s. 11. *Amended.*

Inmates not to be discharged if labouring under certain diseases.

10. Where a legally qualified medical practitioner, having the care of the health of the inmates of an Industrial Refuge, certifies that an inmate on account of natural imbecility is so feeble-minded as to render it probable that she would be unable to take care of herself if discharged from the refuge, she shall not be discharged until such medical practitioner, with the approval of the Inspector, orders her discharge. *New.*

Special provision for detention of feeble-minded inmates.

11. No person shall be committed to an Industrial Refuge without the consent of the Superintendent. R.S.O. 1897, c. 311, s. 12.

Persons not to be committed without consent of superintendent.

12. Every Industrial Refuge shall be a house of correction for the purposes of *The Prisons and Reformatories Act of Canada*. R.S.O. 1897, c. 311, s. 13.

Industrial Refuges to be deemed houses of correction, etc., within meaning of R.S.C. 1906, c. 148, s. 30.

13. Chapter 311 of the Revised Statutes of Ontario, 1897, is repealed.

Repeal.

CHAPTER 290. R.S.O. 1914.

An Act respecting Houses of Refuge.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Houses of Refuge Act. New.*

Counties required to establish houses of refuge.

2.—(1) The corporation of every county which has not already established and erected, shall forthwith establish and erect, and the corporation of every county shall at all times maintain a house of refuge for the reception of persons of the classes described in section 14.

Joint house of refuge.

(2) In lieu of establishing separate houses of refuge, the councils of two or three contiguous counties may, with the approval in writing of one of the Inspectors of Prisons and Public Charities, enter into an agreement for the establishment, erection and maintenance of, and may establish, erect and maintain a joint house of refuge for such counties. 3 Edw. VII. c. 38, s. 1; 5 Edw. VII. c. 13, s. 25; 8 Edw. VII. c. 69, s. 1. *Redrafted.*

Establishment of by city or separated town.

3.—(1) The corporation of every city and separated town may establish, erect and maintain a house of refuge for the purposes mentioned in section 2. 3 Edw. VII. c. 19, s. 524 (1). *Part amended.*

Agreement with county as to establishment of.

(2) In lieu of establishing a separate house of refuge, the corporation of a city or separated town may, with the approval in writing of one of the Inspectors of Prisons and Public Charities, enter into an agreement with the corporation of the county in which the city or town is territorially situate, for the establishment, erection and maintenance of, and they may establish, erect and maintain a joint house of refuge for such city or separated town and such county. *New. (See Edw. VII. c. 19, s. 524 (2)).*

(3) In the cases provided for by subsections 1 and 2, the ^{Location of house of} house of refuge may be located within or without the limits ^{refuge.} of the city or separated town. *New.*

4. A house of refuge shall not be erected until the plans ^{Approval of plans.} of it have been approved by one of such Inspectors. 3 Edw. VII. c. 38, s. 3. *Redrafted.*

5.—(1) Where a county has established or shall here-^{Boards of management, how composed.} after establish a separate house of refuge the council shall appoint two persons, who may be members of the council, and who with the warden shall form a board of management and shall have the management, regulation and control of the house of refuge, subject to the rules and regulations for the government of it and of its inmates made by the council under the authority of section 7.

(2) Where two counties agree to establish a joint house of refuge the council shall by the agreement provide for the appointment of one person who, with the warden of each county, shall form the board of management, and where three counties agree to establish a joint house of refuge the board of management shall consist of the wardens of the counties. 3 Edw. VII. c. 38, s. 4. *Amended.*

(3) Where a city or a separated town and a county agree to establish a joint house of refuge the agreement shall provide for the appointment of one person, who with the mayor of the city or town and the warden of the county shall form the board of management. *New.*

6. Where two or more corporations agree to establish a ^{Agreement to name corporation to.} joint house of refuge the agreement shall provide as to the corporation to which any grant made under the provisions of Part II. shall be paid. *New.*

7.—(1) The council of a corporation which has estab-^{Appoint-ment of officers.} lished or hereafter establishes a separate house of refuge shall appoint a superintendent, a matron and other officers for its care and management, and prescribe their duties and ^{Rules and regulations.} fix their salaries and make rules and regulations for the government of the house of refuge and of its inmates. 3 Edw. VII. c. 19, s. 524 (1). *Last part redrafted.*

(2) Except in the case provided for by subsection 1 the duties and powers mentioned in that subsection shall be performed and may be exercised by the Board of Management except as to salaries, which shall be fixed by joint action of the corporations interested. *New.*

Approval of
rules and
regulations
by Lieut.-
Gov. in
Council.

8. The rules and regulations provided for by the next preceding section shall not take effect until approved by the Lieutenant-Governor in Council.

Agreements
for extend-
ing sewerage
system to
houses of
refuge.

9.—(1) The council of a county, which has established a house of refuge, and the council of a city or town may from time to time enter into agreements for connecting the house of refuge with the sewerage system of such city or town, and may pass all by-laws and do all things necessary to carry the agreement into effect. 4 Edw. VII. c. 37, s. 1. *Redrafted.*

Contracts
for supply-
ing water
and electric
light and
power.

(2) The council of the county may also contract with The Hydro-Electric Power Commission or with any municipal corporation, company or individual owning or operating a waterworks system, or works for the production and supply of electricity for light, heat or power in such city or town, for the supply of water for domestic purposes and for fire protection, or of electricity for light, heat or power purposes at the house of refuge. 4 Edw. VII. c. 37, s. 2. *Amended.*

Power to
carry
necessary
works over
intervening
lands.

(3) For the purpose of connecting such house of refuge with such sewerage or waterworks system or electrical works or with the system of The Hydro-Electric Power Commission the corporation of such county, its officers, servants, agents or workmen may enter upon and pass over any lands or highways lying between such house of refuge and such city or town; and may dig up such lands and highways, and construct sewers and lay down any pipes and place all necessary poles or wires, and do all necessary work in or upon such lands and highways, making due compensation to the owners as provided by *The Municipal Act*. 4 Edw. VII. c. 37, s. 3. *Part amended.*

(4) Where two or more municipal corporations have established a joint house of refuge under the provisions of this Act they shall have, in respect of such house, all the powers conferred upon the council of a county by this section. *New.*

Assent of
electors to
borrowing
for houses
of refuge
not required.

10. It shall not be necessary to obtain the assent of the electors to a by-law for raising such sums as may be required for the purchase of a site or the erection of buildings for a house of refuge, or the purchase of land to be used in connection therewith, or for any addition to or improvement of such buildings, or for the purpose of any works authorized by section 9, but the amount owing, in respect of the same, shall not at any time exceed \$50,000. 4 Edw. VII. c. 37, s. 4. *Redrafted.*

11.—(1) The council or the Board of Management, as the case may be, may provide for requiring every person sent to the house of refuge, to perform such work or service, at such times, for such hours, and at such trade or labour as he may appear to be fit for, and for buying material therefor, and for selling the articles manufactured therefrom, and for applying the earnings, or part of the earnings of such person, for his maintenance or for the maintenance of his wife and children, or for the general maintenance of the house of refuge, or towards aiding such person to reach his friends, or any place to which it may be deemed advisable to send him. 3 Edw. VII. c. 19, s. 524 (3). *Amended.*

(2) The council of a county, city, or separated town which has established or joined in establishing under this Act a house of refuge may pass by-laws for committing to and detaining therein indigent persons; and a warrant of committal under the hand of the head of the council and the seal of the corporation shall be sufficient authority to the Superintendent of such house to receive and detain the person mentioned in it until he is discharged under the rules and regulations or by order of any of the Inspectors of Prisons and Public Charities. 3 Edw. VII. c. 19, s. 524 (7). *Amended.*

12.—(1) Where an inmate of a house of refuge desires to transfer his real or personal property, or any part of it, absolutely or by way of security to the corporation or corporations by which the house was established, as payment or compensation for his maintenance while he remains an inmate, or as may be agreed upon, the corporation or corporations may receive and hold such real or personal property, and may dispose of the same in such manner as the council or councils may deem proper, or, if it is held only as security, it shall, upon the death of such person, be sold and disposed of, and the proceeds, after defraying the costs and expenses of and incidental to the sale, shall be applied in payment of the cost of the maintenance of such person, with interest at the rate of six per cent. per annum, and the surplus, if any, shall be paid to the personal representative of such person, upon demand.

(2) No such transfer shall be valid, unless it is executed in the presence of a Judge of the County Court of the County in which the house of refuge is situate, and unless there is endorsed on it a certificate signed by the Judge, that he has examined the grantor, and is satisfied that the transfer is not improvident, and that it was made voluntarily, and that the grantor understood the effect of it, and desired to make the transfer. 3 Edw. VII. c. 19, s. 524 (8). *Redrafted.*

Maintenance
of inmates
of house
of refuge
who are
possessed
of means.

(3) Where an inmate of a house of refuge is or becomes possessed of any real or personal property, out of which the cost of his maintenance or any part of it can be paid, if any sum is due for such maintenance, and has not been paid, a Judge of the County Court of the County in which the house is situate may, on the application of the council of any municipality interested, and upon such notice to the inmate as he may direct, order that any part of such real and personal property be vested in the corporation or corporations by which the house was established for the purpose of securing payment of the cost of the maintenance so due, or which may thereafter become due, with full power to take or recover possession of, manage, lease, mortgage, sell and convey all or any part of such property in the name of the inmate, or may make such other order, limiting or extending such powers, as may be deemed proper, due regard being had to the value of the property, and as to what part, if any, of it is necessary for the support and maintenance of the family of the inmate.

Conveyance,
mortgage,
etc., to be
approved by
judge.

(4) No conveyance, mortgage, lease or other instrument, purporting to transfer the property, shall be executed by the corporation or corporations until a Judge of the County Court of the County in which the house of refuge is situate shall have signified his approval of it by endorsement thereon.

Transfer to
personal re-
presenta-
tives.

(5) Upon the death of the inmate, what remains of the property, after the claims thereon are fully paid and satisfied, shall be transferred to his personal representatives.
6 Edw. VII, c. 58, s. 1. *Redrafted.*

What ac-
counts to be
kept.

13. An account shall be kept of the cost of erecting, keeping, and maintaining the house of refuge, and of all materials furnished therefor, together with the names of the persons received into, and of those discharged from it, and also of the earnings of the inmates, and such other accounts as may be prescribed by the Lieutenant-Governor in Council.
3 Edw. VII. c. 19, s. 525. *Redrafted.*

Committal
of certain
persons.

14.—(1) Any person authorized for that purpose by by-law of a corporation which has established or joined in establishing a house of refuge may, by writing under his hand, commit to such house of refuge:

(a) Poor and indigent persons who are incapable of supporting themselves;

(b) Persons without the means of maintaining themselves and able to work, who do not do so.
3 Edw. VII. c. 19, s. 526 (1). *Part amended.*

(c) Feeble minded persons not fit subjects for commitment to Hospitals for the Insane, or to Hospitals for Idiots, but for whom special custodial care is necessary. *New.*

(2) Every inmate of a house of refuge, if able to work, shall be kept diligently employed at labour, and if he does not perform such reasonable task or labour as may be assigned to him, or is stubborn, disobedient, or disorderly, he shall be liable to be punished in accordance with the rules and regulations of the house of refuge. 3 Edw. VII. c. 19, s. 526 (2). *Amended.*

Punishment of refractory inmates.

14a.—(1) In the event of a person who is a subject for admission to a House of Refuge being found in a county in which he has resided for less than two years, but who before coming into such county had been a resident of another county for two years or more, such person may be returned to the latter county and shall not be refused admission to the House of Refuge thereof by reason of the break in his residence.

Break in residence when not to affect liability of county.

(2) If for any cause such person was deprived of his liberty during such absence, the period of detention shall not be counted in determining the time of residence of such person in the first mentioned county. *Statute Law Amendment Act, 1914.*

Period of imprisonment not to be reckoned.

15 Where the physician having the care of the health of the inmates of a house of refuge certifies that a female inmate between the ages of 16 and 45 years, on account of natural imbecility, is so feeble minded as to render it probable that she would be unable to care for herself if discharged from such house of refuge, she shall not be discharged until such physician, with the approval of one of the Inspectors of Prisons and Public Charities, orders her discharge. *New.*

Special provision as to detention of feeble minded female inmate.

16. No child between the ages of two and sixteen years shall be received, held, boarded or lodged in a house of refuge. R.S.O. 1897, c. 312, s. 8. *Part amended.*

Prohibition as to children of certain ages.

17. One of the Inspectors of Prisons and Public Charities shall, at least once in every year, inspect every house of refuge and all books and documents relating to it, and examine into its sanitary condition, and shall report to the Provincial Secretary as to its management, and make such recommendations and suggestions in relation to it, and to the method of keeping its books and accounts as he may deem advisable, and a copy of such report shall be sent to the clerk of the council of every municipality having an interest in the house of refuge. 6 Edw. VII. c. 58, s. 2. *Redrafted.*

Inspection of houses of refuge.

Aid to
counties
establishing
houses of
refuge.

18.—(1) The Lieutenant-Governor in Council may direct that there shall be paid out of the Consolidated Revenue Fund to every county which establishes a house of refuge under this Act and acquires not less than forty-five acres of land for use and uses it in connection therewith, a sum not exceeding one-fourth of the total amount expended by the corporation for such purpose, but not exceeding \$4,000. R.S.O. 1897, c. 312, s. 1. *Redrafted.*

Case of
joint estab-
lishment.

(2) Where two or more municipal corporations establish a joint house of refuge under this Act and have acquired not less than forty-five acres of land for use and use it in connection therewith, the Lieutenant-Governor in Council may direct that there shall be paid out of the Consolidated Revenue Fund a like sum to the Corporation designated in the agreement for establishing the house of refuge as the one to which the grant is to be paid. *New.* (See R.S.O. 1897, c. 312, s. 2).

Further
grant where
corporation
paid less
than \$4,000.

(3) Where there has been paid to a corporation in respect of a house of refuge a sum less than \$4,000 and thereafter additional land has been or is acquired for, or additional buildings have been or are erected in extending or improving such house of refuge, the Lieutenant-Governor in Council may direct that there shall be paid to such corporation out of the Consolidated Revenue Fund an amount which added to that already paid to it shall not exceed the sum which may be directed to be paid to a corporation under subsection 1. R.S.O. 1897, c. 312, s. 5. *Part redrafted.*

Report of
inspector.

(4) An Order in Council shall not be passed until one of the Inspectors of Prisons and Public Charities has reported that the land and buildings are suitable for the purpose intended and are ready for occupation. R.S.O. 1897, c. 312, s. 6. *Amended.*

Order in
Council to
be ratified
by Assembly.

(5) Every Order in Council shall, as soon as conveniently may be, be laid before the Assembly, and no such order shall be operative until it has been ratified by the Assembly. R.S.O. 1897, c. 312, s. 7. *Amended.*

Repeal.

19. Chapter 312 of the Revised Statutes of 1897, sections 524 to 526a of *The Consolidated Municipal Act*, 1903, chapter 38 of the Acts passed in the 3rd year and chapter 37 of the Acts passed in the 4th year of the reign of His late Majesty King Edward the Seventh, and all amendments to the said sections and Acts, are repealed.

CHAPTER 291. R.S.O. 1914.

An Act respecting Houses of Refuge in Provisional Judicial Districts

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The District Houses of Refuge Act*. Short title.

2. In this Act “District” shall mean a Provisional Judicial District. Interpretation,
“District.”

3. A House of Refuge may be established, erected and maintained in a District, when a by-law authorizing the same How established. has been passed in a majority of the organized municipalities of such District.

4. Two or more contiguous Districts, when by-laws authorizing the same have been passed in a majority of the Joint Houses of Refuge. organized municipalities in each of such Districts, may agree to unite in establishing a joint House of Refuge.

5. When such by-laws have been passed, certified copies shall be transmitted to the Provincial Secretary for the Approved by Lieutenant-Governor. approval of the Lieutenant-Governor in Council, and, if approved of, a Board of Management shall be appointed as Board of management. hereinafter provided.

6.—(1) The Board of Management shall be a corporation How composed. and shall consist of two persons resident in the District, and shall be appointed by the Lieutenant-Governor in Council for a term of three years, and in the case of contiguous Districts agreeing to join in a joint House of Refuge, the Board shall consist of two persons resident in each of the Districts appointed by the Lieutenant-Governor in Council for a term of three years.

(2) The members of the Board shall hold office for a term Term of office. of three years and until their successors are appointed.

Site for
house.

7. The Board shall select the site for the House of Refuge, which shall be inspected by one of the Inspectors of Prisons and Public Charities and approved by the Lieutenant-Governor in Council.

Erection
and main-
tenance.

2 Geo. V. c.

8. The Board shall have charge of the erection and maintenance of the House of Refuge, and shall have the same powers as provided for in sections 7 and 8 of *The Houses of Refuge Act*.

Powers of
County
Councils
conferred
on Boards
of manage-
ment.
2 Geo. V. c.

9. The Board shall have the powers which are conferred upon the Council of a County by sections 9, 10, 11, 12, 14, 15 and 16 of *The Houses of Refuge Act*, and the said sections so far as applicable to a house of refuge established by a county shall apply to a house of refuge established under this Act.

Grant from
Consolidated
Revenue
Fund to
Board of
Manage-
ment.

10. The Lieutenant-Governor in Council may direct that there be paid out of the Consolidated Revenue Fund to the Board of each House of Refuge erected in a District, and which has acquired not less than forty-five acres of land and uses it in connection therewith a sum not exceeding four thousand dollars.

In the case
of a joint
House.

11. Where two or more Districts establish a joint House of Refuge under this Act and have acquired one hundred acres of land and use it in connection therewith, the Lieutenant-Governor in Council may direct that there be paid to the Board out of the Consolidated Revenue Fund a sum not exceeding four thousand dollars for each District uniting in the establishment of such joint House of Refuge.

Assessment
for main-
tenance.

12. The amount of the grant shall not in the case of a House of Refuge established for a District exceed the amount levied and collected in such District for the purpose of the establishment and erection of the House of Refuge, and in the case of a joint House of Refuge the aggregate of the amounts levied and collected for such purpose in the Districts by which the House of Refuge is established.

Providing
cost of
main-
tenance.

13.—(1) The cost of establishing, erecting and maintaining a House of Refuge shall be defrayed by the corporations of the organized municipalities in the Districts by which it is established in proportion to the amount of their assessment according to the last revised assessment roll, and by the rate-payers in school sections in unorganized townships in proportion to the amount of the assessment for school purposes.

Apportion-
ment of
amount.

(2) In unorganized townships the amount required to be raised for the purposes of this Act shall be apportioned by the Board among the different school sections in proportion

to their respective assessments for school purposes, and shall be assessed, levied and collected by the same persons, in the same manner and at the same times as rates for school purposes, and shall when collected be paid over to the Board; ^{In unorganized town-} and the provisions of law with respect to school taxes in ^{ship, etc.} unorganized townships shall, so far as practicable, apply *mutatis mutandis* to the rates levied under this Act.

(3) The Board shall in each year apportion the amount ^{In organized township.} which it estimates will be required to defray the expenditure for that year among the organized municipalities and school sections liable to pay the same, and shall on or before the 31st day of January notify the clerk of each municipality, and in unorganized townships the secretary of each school board, of the amount to be provided, and each municipality and school section in unorganized municipalities shall pay such amount ^{Notice of amount to be provided.} to the Board on demand, and shall include the same in its estimates for the then current year, and levy and collect the same in like manner as taxes are levied and collected.

14. A House of Refuge established under this Act shall ^{Aid from Legislative grants.} be entitled to receive aid under *The Hospitals and Charitable Institutions Act*, at the rate of seven cents per day for each ^{2 Geo. V. c. Rate.} inmate while he is maintained therein.

15. The accounts of a House of Refuge shall be sub- ^{Accounts to be submitted and audited.} mitted quarterly to one of the Inspectors of Prisons and Public Charities, and audited in the same manner as accounts relating to the Administration of Justice in Districts.

CHAPTER 230. R.S.O. 1914.

An Act to regulate Maternity Boarding Houses
and for the Protection of Infant Children.

SHORT TITLE, s. 1.

"MEDICAL OFFICER OF HEALTH,"
MEANING OF, s. 2.MATERNITY BOARDING HOUSES NOT
TO BE KEPT WITHOUT REGIS-
TRATION, s. 3.INFANTS NOT TO BE NURSED FOR
HIRE WITHOUT REGISTRATION,
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Refusal of registration, s. 6.

Cancelling registration, s. 7.

REGISTER OF INMATES, ss. 8, 9.

NOTIFICATION OF BIRTHS, s. 10.

NOTIFICATION OF DEATHS, s. 11.

INSPECTION OF REGISTERED HOUSES,
s. 12.

ADOPTION OF CHILDREN, ss. 13, 14.

RECORD OF ANTECEDENTS OF IN-
MATES, s. 17.OFFENCES AND PENALTIES, ss.
13-18.

EXPENSES OF ENFORCING ACT, s. 19.

REPEAL, s. 20.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

Short title.

1. This Act may be cited as *The Maternity Boarding House Act*. (New.)

"Medical
Health
Officer,"
meaning of.

2. In this Act "Medical Officer of Health" shall mean the Medical Officer of Health of the municipality in which any house required by this Act to be registered is situate, and where the house is situate in territory without municipal organization, shall mean and include the medical officer of health appointed for the locality under *The Public Health Act*. (New.)

Maternity
boarding
houses not
to be kept
unless re-
gistered.

3. No person shall receive or retain for hire or reward any woman or girl for accouchement, or keep unmarried women or girls being mothers of infants and not being married, with infants for board or lodging, or keep a maternity boarding house, unless registered under this Act. R.S.O. 1897, c. 258, s. 15; 61 V. c. 32, s. 2.

Home for
infant chil-
dren not to
be kept un-
less regis-
tered.

4. No person shall retain or receive for hire or reward one or more infants under the age of three years, for the purpose of nursing or maintaining such infant or infants, for a longer period than twenty-four hours, except in a house

which has been registered as herein provided; but any person may be exempted from the provisions of this section by the medical officer of health of a city or by the Superintendent of Neglected and Dependent Children on proof that one child only is thus cared for. R.S.O. 1897, c. 258, s. 16; 61 V. c. 32, s. 3.

5.—(1) The medical officer of health or any officer specially appointed by him for that purpose shall keep a register of the names of persons applying to register under this Act, and therein shall cause to be registered the name and house of every person so applying and the situation of the house; and the medical officer of health shall fix the number of women or girls or infants who may be received into any house so registered.

Register of
maternity
boarding
houses and
infants'
homes.

(2) The registration shall remain in force for one year, and a fee, not exceeding \$10, shall be charged for registration. R.S.O. 1897, c. 258, s. 17; 61 V. c. 32, s. 4.

Registra-
tion, dura-
tion and
fee for.

6. The medical officer of health may refuse to register any house unless satisfied that it is suitable for the purposes for which it is to be registered, and unless satisfied by the production of certificates that the person applying to be registered is of good character and able to maintain, keep and properly lodge such women or girls or infants. R.S.O. 1897, c. 258, s. 18; 61 V. c. 32, s. 5.

Discretion
as to regis-
tration.

7. If it is shown to the satisfaction of the medical officer of health that a person whose house has been so registered as aforesaid has been guilty of serious neglect or is incapable of providing the women or girls or infants intrusted to his care with proper food and attention, or that the house specified in the register has become unfit for the reception of women or girls or infants, the medical officer of health may remove the name and house from the register. R.S.O. 1897, c. 258, s. 19; 61 V. c. 32, s. 6.

Cancelling
registration.

8. Every person registered as aforesaid shall immediately enter in a register to be kept by him the name and age of every woman or girl or infant and also the place from which such woman or girl or infant came before entering such house, and shall also enter in the register the name of the medical practitioner who attended at any birth taking place in such house or who attended any infant in such house, and when such woman or girl or infant leaves the house, the place to which they are removed, and the date of such removal; also whether the infant was taken away with the mother or how otherwise disposed of, or how children boarded without their mothers are disposed of, and shall forthwith transmit to the medical officer of health a copy of

Register to
be kept by
keeper of
boarding
house or
home.

every entry made in the register, and shall produce the register when required by the medical officer of health or any person appointed by him, and in the event of his refusing so to produce the register or neglecting to enter in a register the particulars hereinbefore required, he shall incur a penalty not exceeding \$20. R.S.O. 1897, c. 158, s. 20; 61 V. c. 32, s. 7.

Forms for registration to be furnished to keepers.

9. The person registered shall be entitled to receive gratuitously from the medical officer of health a book of forms for the registration of persons received into such house, which shall also contain a printed copy of this Act. R.S.O. 1897, c. 258, s. 21; 61 V. c. 32, s. 8.

Births in houses to be attended by physician.

10. The person so registered shall see that every birth which takes place in such house shall be attended by a legally qualified medical practitioner who shall forthwith report to the medical officer of health the fact of such birth having taken place, and shall also register the same in the manner provided by *The Vital Statistics Act*. R.S.O. 1897, c. 258, s. 23.

8 Edw. VII. c. 28.

Registered persons to give notice of all deaths occurring in house to M. O. H.

11. The person so registered shall within twenty-four hours after the death of any inmate of such house, whether a woman or girl or an infant born therein, or brought thereto as a boarder, cause notice thereof to be given to the medical officer of health, who shall immediately call the coroner to hold an inquest on the body of such person, unless a certificate under the hand of a registered medical practitioner is produced to him by the person so registering that such medical practitioner had personally attended or examined the person so dying and also specifying the cause of death, and the medical officer of health is satisfied by certificate that there is no ground for holding an inquest. R.S.O. 1897, c. 258, s. 24.

Visiting and inspecting maternity boarding houses and homes for infants.

12. The medical officer of health shall provide for the visiting and inspecting, from time to time, of every house so registered; and the person appointed to inspect shall be entitled to enter the house at any time and examine every part thereof, and call for and examine the register kept by the person registering the house, and to inquire into all matters concerning the house and the inmates thereof; and the person registered shall give all reasonable information to the person making the inspection, and afford him every reasonable facility for viewing and inspecting the premises, and seeing the inmates thereof. R.S.O. 1897, c. 258, s. 25; 61 V. c. 32, s. 9.

Adoption of children from homes.

13. No child under three years old, whether an inmate of such house or born therein or brought thereto or otherwise, shall be given out for adoption except by and with the con-

sent of a children's aid society, or other duly incorporated benevolent or charitable institution or society or of the Superintendent of Neglected and Dependent Children of Ontario, under such rules and regulations in that behalf as may be approved of by the Lieutenant-Governor in Council. R.S.O. 1897, c. 258, s. 26; 61 V. c. 32, s. 10.

14. No person registered under this Act shall advertise that he will adopt a child or children or hold out inducements to parents to part with their offspring; and when any such child is transferred by his parents or is given out for adoption to other persons, such transfer shall be made with the knowledge and consent of the agent or secretary of the children's aid society, or of the Superintendent of Neglected or Dependent Children. R.S.O. 1897, c. 258, s. 27.

Penalties for advertising for children for adoption.

15. No person shall make any false representation for the purpose of obtaining registration under this Act, or make use of any false certificate knowing it to be false, or falsify any register kept in pursuance of this Act. R.S.O. 1897, c. 258, s. 28.

Securing registration or certificates by false representation or forgery.

16. The medical officer of health shall not, nor shall any officer employed by him, nor shall the person registered as keeper of any house, divulge or disclose the contents of the register or any of the particulars entered therein, except upon inquiry before a court of law, or at a coroner's inquest, or before some other competent tribunal, or, in the case of such officer or registered person, for the information of the medical officer of health. 61 V. c. 32, s. 12 (1).

Registers. contents of, not to be disclosed.

17. The managers of every maternity hospital, infants' home or other refuge for women, shall ascertain and record the antecedents of women and girls coming under their care, and shall furnish to the medical officer of health such information in their possession as may be called for from time to time. R.S.O. 1897, c. 258, s. 22.

Record of antecedents of inmates.

18.—(1) Every person who contravenes any of the provisions of this Act shall incur a penalty not exceeding \$100, to be recoverable under *The Ontario Summary Convictions Act*, and shall in addition be liable to have his name and house removed from the register. R.S.O. 1897, c. 258, s. 29; 61 V. c. 32, s. 11.

Penalty for violation of Act.

(2) Every prosecution under this Act shall take place before a Police Magistrate or two Justices of the Peace. R.S.O. 1897, c. 258, s. 30.

Trial of offences against Act.
10 Edw. VII. c. 37.

Expenses
of Act to be
borne by
municipi-
pality.

19. All expenses incurred in and about the execution of this Act and the trial of offenders thereunder shall be borne by the municipality in which the registered house is situated, or in case it is situated in territory without municipal organization, by the Province. R.S.O. 1897, c. 258, s. 31.

Rev. Stat. c.
258; 61 V.
c. 32,
repealed.

20. Chapter 258 of the Revised Statutes, 1897, and Chapter 32 of the Acts passed in the 61st year of the reign of Her late Majesty Queen Victoria, are repealed.

CHAPTER 232. R.S.O. 1914.

An Act for the Protection of Females in Institutions subject to Inspection

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Female Patients and Prisoners Protection Act*. Short title.

2. No person shall at any time or place within the precincts of any institution which is subject to inspection by the Inspector of Prisons and Public Charities unlawfully and carnally know any female who is capable in law of giving her consent to such carnal knowledge while she is a patient or is detained or imprisoned in such institution. Offence.
R.S.O. 1897, c. 260, s. 1.

3. Every person who contravenes the next preceding section shall be liable to imprisonment for any term less than two years. Penalty.
R.S.O. 1897, c. 260, s. 2.

4. Prosecutions for offences against this Act shall be had under *The Ontario Summary Convictions Act*, the provisions of which shall apply except that the prosecution shall be before a Police Magistrate or two Justices of the Peace. Prosecutions.
10 Edw. VII.
c. 37.
(*New.*)

5. Chapter 260 of the Revised Statutes of Ontario, 1897, is repealed. Repeal.

An Act respecting Reception Hospitals for the Insane

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The Reception Hospitals for the Insane Act*.

Establishment in city of over 100,000. **2.** The corporation of every city having a population of more than one hundred thousand persons may, with the approval of the Lieutenant-Governor in Council, establish and equip a reception hospital for the reception of persons who are insane and whose condition renders it desirable that they should be placed under observation and treatment for nervous and mental diseases.

Plans and sites, approval of. **3.** The plans and site selected for such hospital shall be approved of by the Lieutenant-Governor in Council.

Control to be in Minister. **4.** When such hospital has been established and equipped it shall be under the control of the member of the Executive Council charged for the time being with the administration of the provincial hospitals for the insane.

Maintenance of hospital. **5.**—(1) The cost of the maintenance of every such hospital in excess of the amount provided by the municipalities from which patients are admitted, shall be paid out of such moneys as may be voted by the Assembly and be appropriated by the Legislature for that purpose.

Special fund. (2) The income derived from moneys received from the municipalities for the maintenance of such hospitals or otherwise shall form a separate fund to be known as "The Reception Hospitals for the Insane Fund," which shall not form part of the Consolidated Revenue Fund, but shall be used and applied for the same purposes and paid out in the same manner as the moneys appropriated by the Legislature for maintenance of such hospitals.

Regulations. **6.** The Lieutenant-Governor in Council may make regulations for the management and general administration of such hospital.

Admission. **7.** The conditions of admission shall be the same as prescribed in sections 7 to 12 of *The Hospitals for the Insane Act*, but when a person alleged to be insane has been apprehended under a warrant he may be committed to the hospital until the question of his sanity has been determined.

8. When a person after admission to the hospital is found to be not insane or unsuitable for treatment in a provincial hospital for the insane, he shall be discharged to the custody of the person or persons through whom he was admitted to the hospital.

9. *The Prisons and Public Charities Inspection Act*, sections 29 to 49 of *The Hospitals for the Insane Act*, and sections 23 to 25 of *The Hospitals and Charitable Institutions Act* shall also apply to a reception hospital for the insane.

Discharge
of unsuit-
able
patients.

Application
of Rev. Stat.
c. 301, Rev.
Stat. c. 295,
ss. 29-49,
and Rev.
Stat. c. 300,
ss. 23-25.

An Act respecting The Hospital for Epileptics

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short
title.

1. This Act may be cited as *The Hospital for Epileptics Act, 1914.*

Designation
of hospital.

2. The hospital founded and established at the City of Woodstock, with all the lands, buildings, real estate and appurtenances thereunto attached, and whatever lands or real estate may hereafter be purchased or acquired for the same, and whatever buildings may hereafter be erected thereupon, shall be for the public use of the Province, and shall be known and designated as "The Hospital for Epileptics."

Object.

3. The object and design of such hospital shall be to provide for the treatment and custodial care of epileptics.

Inspector.

4. One of the inspectors appointed under *The Prisons and Public Charities Inspection Act* shall be the inspector of the said hospital, and shall have and perform the same powers and duties in respect to such hospital and the inmates thereof as are conferred upon him in respect of hospitals for the insane by the said Act.

Rev. Stat.
c. 301.

No admis-
sion with-
out certi-
ficates of
two medical
practition-
ers and
notice re-
ceived from
Superin-
tendent of
vacancy.

5. No person shall be received into the said hospital without certificates from two legally qualified medical practitioners setting forth on the forms prescribed in the regulations approved by the Lieutenant-Governor in Council for the provincial hospitals for the insane, that after a proper examination of the person for whom the application for admission is made, and after due enquiry into all the facts relating to the case, the person so examined is found to be an epileptic, nor without notice having been received from the superintendent of the hospital that there is a vacancy for the patient.

Effect of
such certi-
ficate as
authority
to detain.

6. The certificates shall be sufficient authority to any person to convey the patient to the hospital and to the authorities thereof to detain him therein or to the authorities of any provincial hospital for the insane, to which the patient may thereafter, on account of being insane, be removed by order of the inspector, to detain him in such hospital as long as he continues to be insane.

7. The hospital shall be provided with requisite means for carrying on beneficial work by the patients in agriculture, horticulture and dairying in all their various branches, and the advantages of outdoor and industrial employment shall be deemed essential in the treatment prescribed for each patient under the direction of the superintendent.

8. Sections 5 and 6, and sections 29 to 49 inclusive, of *The Hospitals for the Insane Act* shall apply to the Hospital for Epileptics.

9. *The Hospital for Epileptics Act*, being chapter 297 of the Revised Statutes of Ontario, 1914, is repealed.

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